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CAN WE STOP PRESIDENTS FROM LYING?

by ERIC ALTERMAN

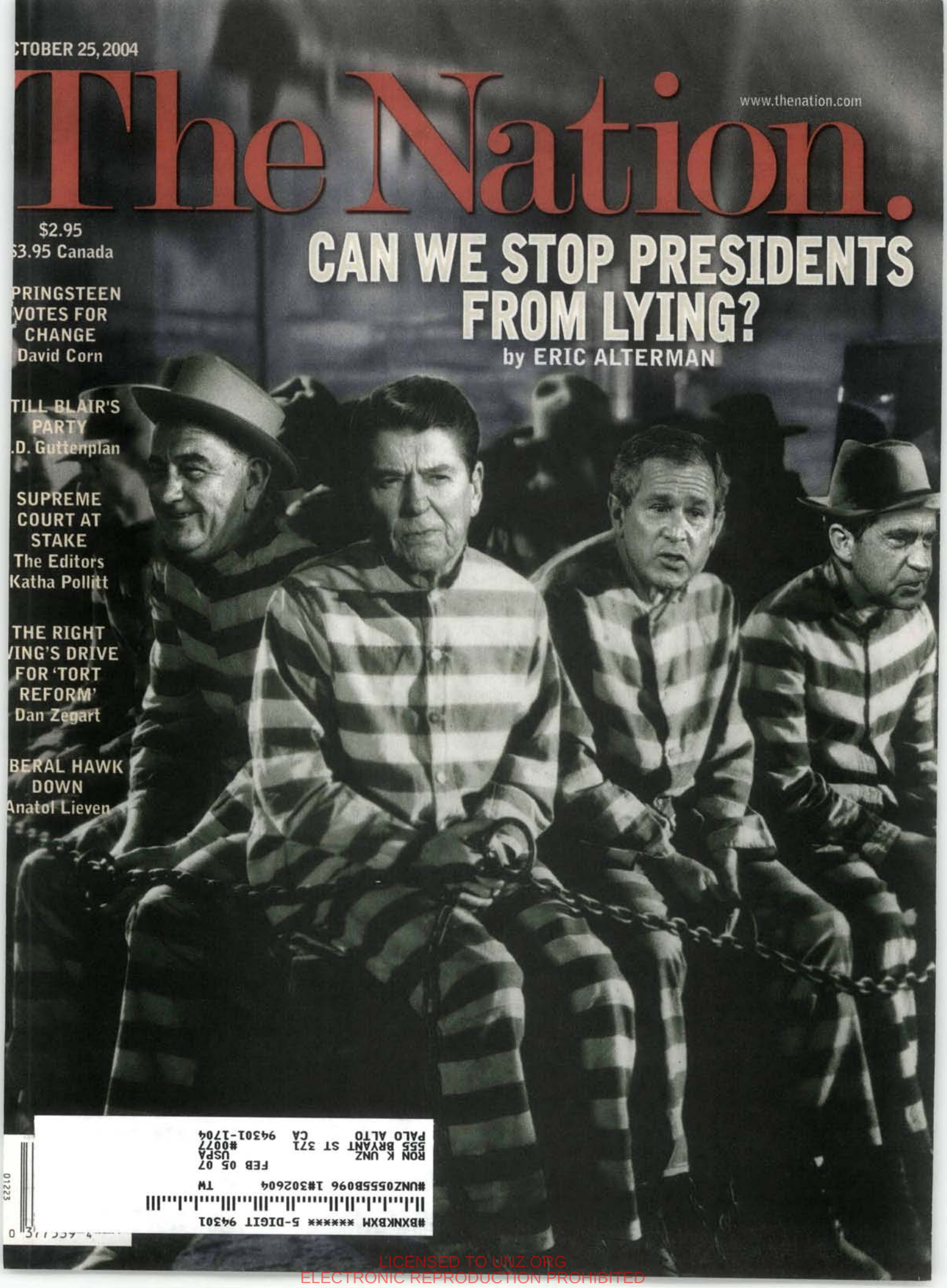
PRINGSTEEN VOTES FOR CHANGE
David Corn

TILL BLAIR'S PARTY
.D. Guttenplan

SUPREME COURT AT STAKE
The Editors
Katha Pollitt

THE RIGHT VING'S DRIVE FOR 'TORT REFORM'
Dan Zegart

BERAL HAWK DOWN
Anatol Lieven



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Re-Stealing the Election?

A landslide of letters overwhelmed our mailbox in response to Ronnie Dugger's August 16/23 "How They Could Steal the Election This Time," about the problems of computerized voting machines. Calling the article "excellent" and "chilling," readers were "disheartened" and "angered." "Goodbye, democracy!" declared one. A few suggested we all vote absentee to be sure of being hand-counted. One reader directed us to www.invisibleballots.com, and another warned new registrants to check that they really are *registered. David Morton of Phoenix declared that Dugger's article "should be required reading for every voter in America."*

—The Editors

San Francisco

■ While I strongly agree with Ronnie Dugger's concern over the possibilities of election fraud this November, I was disappointed that he did not delve more deeply into the root cause of the problem—namely, a decentralized election bureaucracy that leaves voting administration up to more than 3,000 counties scattered across the nation, with few national standards, uniformity or oversight.

Those concerned about safeguarding the vote should ask themselves: Why is it that countries like Belgium, India and Brazil can deploy computerized/touch-screen voting without the conflict and controversy it has produced here? The answer is that these countries have national election commissions that create uniform standards for equipment as well as competency of election administrators and that oversee the development of software, hardware and procedures to make sure that the equipment is the best it can be.

The United States has no counterpart to a national elections commission, although the Election Assistance Commission, created by the Help America Vote Act, has the potential to play such a role if advocates begin pushing for it. It is vitally important. STEVEN HILL

Center for Voting and Democracy
Author, Fixing Elections

Washington, DC

■ Ronnie Dugger's statement regarding the stance of the League of Women Voters on the voter-verified paper trail (VVPT) is inaccurate. We have not "switched sides" on the issue. We revised our stance. We did not reverse it. At our national convention in June, the delegate body adopted a resolution that revised the LWVUS stance on voting machines as follows:

"In order to ensure integrity and voter confidence in elections, the LWVUS supports the implementation of voting systems and procedures that are: secure, accurate, recountable, and accessible."

Each voting system should be looked at on a case-by-case basis to insure that it meets each of these four criteria. The League of Women Voters neither supports nor opposes any type of technology per se, such as Direct Recording Electronic (DRE) voting machines, VVPT or optical scan. KAY J. MAXWELL

President, League of Women Voters, US

Pittsburgh

■ It is pure science fiction to assert, as does Ronnie Dugger, that voting system vendors could program their machines to falsify outcomes "invisibly." Machines are tested, and if tampering has occurred it can be found. If the machines have been altered, forensic examination can detect the alteration. Dugger fails to mention that DRE machines have been used in the United States for more than twenty-five years without a single verified incident in which the outcome of an election was altered by tampering.

Dugger misquotes me as having said that "computerized vote-counting is highly vulnerable to fraud." I wrote many years ago, and still believe, that punch-card voting, not DRE voting, was vulnerable to fraud.

His most basic error, however, is in urging that paper systems are safer than electronic ones. Since 1852, the *New York Times* has published more than 4,000 articles on paper ballot fraud in the United States. Paper is not safe. It may be familiar, but it is the principal tool of election fraud in this country and always has been. The answer is not to return to paper but to implement safeguards to assure the public that the sorts of machinations Dugger imagines are not possible in practice. MICHAEL I. SHAMOS

Westpoint, Ind.

■ It is trivially easy to add a few evil lines of code to the voting machine program such that it would (1) become active only on the date of an election and thus be undetectable on any prior test runs, and (2) be independent of the relative positions of candidates on the face of the ballot. Number 1 is self-explanatory, so I go to number 2. To skew the vote toward, say, a Republican candidate, all it takes is the addition of a few short lines of code to the machine's source code. Then, for each vote tallied, if it is for the Republican, it would be counted for the Republican, but if it is for the Democrat, it would generate a random number and tally every fourth or fifth vote, for example, for the Republican candidate. Or, if you want to get more sophisticated, you could toss a certain percentage of Democratic votes to the Republican candidate, and another small percentage to some other candidate (randomize the "gift") and disburse it to other parties with candidates on the ballot—Green, Independent, Libertarian, etc.

It really isn't rocket science. A simple tiny addition of code that, on the sly and *only* on Election Day, tosses a few illegitimate votes toward a favored party or candidate, or away from a disfavored party or candidate, is simple. Since the source is secret, it cannot be spotted. Even when the system is auditable by state authorities, so what? You provide them with legitimate code while you load the ever-so-slightly altered code into the machines. This sort of thing can also be hard-coded into integrated circuit chips, with no audit possible.

Besides a voter-verifiable paper trail, there should also be a required, automatic and random manual recount on a randomly selected subset of voting machines after polls close. This way, no state or company official could know where and when a voting machine's votes will be checked. Fraud should be dealt with this way, rather than by calls for a recount. PATRICK O'NEIL

Louisville, Colo.

■ Ronnie Dugger has written an excellent piece on the dangers of electronic voting but omits or understates a few points that would further strengthen his argument.

First, he focuses heavily on the problem of fraud and largely ignores the problem of honest programming error. There have been many incidents of voting computers miscounting, caught only because the results were ludicrous. One wonders how many miscounts happened that were too small to notice.

Like the potential for fraud, honest error underscores the need for basic accounting procedures in vote-tabulating because, as with any counting process, there must be at least two separate counting methodologies to insure accuracy. Financial institutions, businesses, even ordinary people checking their bank statement follow this basic rule. Only the election industry considers it superfluous.

Second, Dugger doesn't emphasize strongly enough that even if electronic voting software were open to public scrutiny, computer security experts would have difficulty finding maliciously implanted code. Voting software code is millions of lines long, so discovering bad code is like finding the proverbial needle in a haystack. Also, implanted "Trojan horses" can erase all trace of themselves, rendering them undetectable. The sanctity of an election should not de-

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EDITORIALS

The Forgotten Issue

In *The Nation*'s October 9, 2000, special report on the Supreme Court, Tom Wicker wrote, "No issue is more vital...*repeat, no issue is more important* than the makeup of the next Supreme Court." Today the war in Iraq and terrorism fears blot out the political sky. But the future makeup of the Supreme Court should remain a top priority for progressives.

You wouldn't know this, though, from the scanty press coverage, the Court's absence from political ads, the silence of the candidates. Kerry and Edwards are understandably training their fire on domestic matters like job losses, corporate corruption, budget deficits, Social Security, neglect of Iraq war vets, economic inequality, public education, shrinking healthcare coverage, an inadequate minimum wage. But a reactionary Supreme Court could negate a legislative solution to any of those problems.

The Bush Administration has kept relatively quiet about its most cherished objective—overruling *Roe v. Wade*. It's no wonder, given that a majority of Republican voters, according to a May poll, don't want *Roe* overturned—and neither do those coveted middle-of-the-road swing voters. Yet the President faces intense pressure to deliver the goods to his evangelical base, which dreams of a *Roe* reversal. It's clear why Bush is dancing around the issue—but what about Kerry? He says he's committed to appointing a Court that will protect women's abortion rights, but he's also said he would not rule out nominating lower-level judges who are anti-choice, and he hasn't made abortion rights a central issue of his campaign (see Katha Pollitt, page 12).

But without doubt, another four years of Bush's thumb on the judicial scales will set this country on a hard-right social-political course for generations. It's no secret he intends to fill the upcoming vacancies with ideological clones of Scalia and Thomas. According to *Courting Disaster 2004*, a People for the American Way report, a 5-to-4 majority Scalia-Thomas Court would narrow the Voting Rights Act in a way that could lead to racial discrimination; impose school prayer; ban affirmative action in higher education; curb government workers' free speech; permit the destruction of endangered species on private land; bar legal-aid lawyers from challenging welfare laws and much more. (For a comprehensive account of the conservative legal strategy, see *Right Wing Justice: The Conservative Campaign to Take Over the Courts* by contributing editor Herman Schwartz, published by Nation Books.)

And Nan Aron of the valuable Alliance for Justice reminds us that we shouldn't overlook the importance of the federal district and appellate courts, which have taken on more work since the Supremes reduced their own caseload. Bush has already appointed 201 judges. Ten of the thirteen circuits now have a majority of Republicans. Bush has picked not just Republicans but paleoconservatives like Charles Pickering and William Pryor (who received recess appointments after being filibustered in the Senate). Nearly a third of his nominees belong to the right-wing Federalist Society, which seeks to reverse progress in civil and women's rights and undo worker, consumer and environmental protections in place since the New Deal. He has reversed President Clinton's trend of nominating more women and minorities to the Court.

Kerry has said he'll appoint "moderate" Justices, but more genuine liberals are needed to restore balance to a Supreme Court badly skewed to the right. The Court should rank high on the list of what's at stake in this election. Its future will shape America's.

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COMMENT

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Just a T-Shirt Away

ELECTION MATTERS

In his 1988 song "Waiting for the Great Leap Forwards," British troubadour Billy Bragg promised, "The Revolution is just a T-shirt away." It's taken a while, but the 2004 election could prove Bragg right, with one qualification: It won't be just a T-shirt; it'll be a million. Among the dozens of groups seeking to stir nonvoters to action this year, none have created quite the sensation that the nonpartisan November 2 Campaign has by reducing the whole of the political debate and the process surrounding it to a single message: the election date. And the campaign has plastered it everywhere: on buses and bus stops, billboards, television and movie theater public-service ads and across hundreds of thousands of chests. NOVEMBER 2 T-shirts are showing up everywhere, from coffee shops in Santa Monica to black churches in Georgia to *The Tonight Show*, where singer Joss Stone sported one a month before the election.

The November 2 Campaign, operating for the most part below the media radar, grew out of a decision by the NAACP National Voter Fund, the Southwest Voter Registration Education Project, the People for the American Way Foundation, the USAction Education Fund, ACORN and 1,000 other nonpartisan groups to create a new kind of voter registration and mobilization effort. The point, explains Mark Ritchie, national coordinator for National Voice, the temporary coalition set up by the nonpartisan groups, is to reach people who aren't touched by traditional campaigns. "There's a huge group of Americans—many of them young people, women, African-Americans, Latinos, Asian-Americans and other communities of color—who have become disengaged from the voting process, some by choice, some by neglect and some by forces beyond their control," says Ritchie. "We wanted to reach them and bring them into the process, and we knew that traditional approaches weren't going to work."

Step one was to pull together a coalition of nonpartisan groups working on innovative projects such as the drive by the Coalition on Homelessness and Housing in Ohio to recruit voters at homeless shelters and public housing projects; Mi Familia Vota, a push to register and turn out 50,000 new Hispanic voters in Florida; and 1,000 Flowers, an outreach campaign aimed at beauty salons frequented by low-income and young women that hands out neon-bright nail files with the slogan "Don't let this election be a nail biter."

Step two was to create a national media campaign. With money from foundations such as Arca, Beldon, HKH and Cedar Tree, the November 2 Campaign hired Weiden+Kennedy, an ad agency with experience developing campaigns for Nike that arguably have been a lot more successful at reaching young people and minority communities than any recent political campaigns. The agency's idea of reducing the entire election to its date, coupling it with an energetic call to action and a campaign featuring images of a broad cross-section of Americans wearing the T-shirts, was met with derision by traditional pols. "People from the old-school politics looked at it and said,

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COMMENT

'Oh, you have to be more in everyone's face,'" Ritchie recalls. "They'd say, 'What's your message?'"

But the success of the project suggests that the message is resonating louder than a lot of what the campaigns have done. Indeed, at a time when both the right and the left are pushing voter registration, progressives believe the November 2 Campaign is more than countering conservative initiatives. "There's an inspirational and optimistic quality to it, combined with real service, reminding people when to vote. It's civics with an edge," says MoveOn.org executive director Peter Schurman, who wears a NOVEMBER 2 T-shirt. Jen Rubin, who has distributed November 2 Campaign materials as part of efforts to mobilize high school and college students as well as victims of domestic violence, living in the battleground state of Wisconsin, says, "When people see the T-shirt, they'll wonder for a second, and then they get it, and they start talking about the election. It's the best way to engage people who aren't all that into politics that I've ever seen." Rubin, like many November 2 campaigners, is now featured in the campaign's advertising—activists are urged to get their picture taken wearing the T-shirt and send it to www.november2.org, where new images are constantly downloaded and added to posters, television ads and billboards. With close to 200,000 volunteers carrying the November 2 message, and new voter registrations going through the roof, the campaign has upped its goal from turning out 4 million new and infrequent voters to turning out 5 million.

In the final weeks, the group's materials will shout, "No more polls. No more ads. No more spin. We decide." But without polls, ads and spin, what will be left? T-shirts. Ritchie says he expects 1 million people will be wearing them on Election Day.

JOHN NICHOLS

ROBERT GROSSMAN

Springsteen for Change

A culture war's going on. The 2004 election does not merely pit red states against blue states; it places the cultural community against the Bush establishment. Look at the political conventions. The Democrats had a host of big-name musicians and actors: Glenn Close, Ben Affleck, Willie Nelson, Black Eyed Peas, Wyclef Jean, Patti LaBelle. The Republicans had Ron Silver, a Christian rock band named Third Day, the usual country singers and a bunch of lesser-knowns. It's not news that the liberals of Hollywood and the music biz favor Ds over Rs, but this year more seem willing to hurl themselves into the partisan mosh pit. Most noticeably, Bruce Springsteen. He has long championed progressive causes but has shied away from electoral politics. On October 1, he and twenty other artists—including R.E.M., Pearl Jam, Dave Matthews, John Mellencamp, Bonnie Raitt, Jackson Browne, Ben Harper, Kenny "Babyface" Edmonds and the Dixie Chicks—kicked off the Vote for Change tour, a series of thirty-three gigs in eleven swing states, designed to aid the de-Bush crusade.

Before that evening's concert in Philadelphia—which featured Springsteen, R.E.M., Bright Eyes and John Fogerty of Creedence Clearwater Revival—Michael Stipe, R.E.M.'s frontman, noted that many in the media have dismissed the tour as singing to the converted. But such scoffing overlooks the master plan. The primary goal is not to change minds between tunes. As Springsteen said in one interview, "I don't know if someone is going to run to the front of the stage and shout, 'I'm saved' or 'I'm switching.'" The tour is more about organizing than persuading. The money raised by the shows—

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the artists will forgo payment—goes to America Coming Together, a Democratic-minded 527 that's registering, identifying and mobilizing likely Kerry voters in swing states. And the names and addresses of the 280,000 ticket buyers end up in a database for MoveOn PAC, which intends to contact these people in an effort to recruit new MoveOn members and enlist volunteer workers for the election.

So on opening night there was more music than politics. At the start, Springsteen declared that the artists performing that evening were part of a coalition of musicians who desire "a government that is open, rational, forward-looking and humane." In between sets, Vote for Change performers appeared on the video screens to explain, in a low-key way, their involvement. Bush misled the country into war, Springsteen noted in one clip, adding, "If you do that, you lose your job." Song selection conveyed the message of the night. R.E.M. performed a 1988 tune they rarely play, "World Leader Pretend" ("This is my mistake/Let me make it good..../This is my world/And I am the world leader pretend"). Fogerty performed his recent but CCR-sounding antiwar song, "Déjà Vu (All Over Again)," and the obligatory "Fortunate Son" ("It ain't me, it ain't me/I ain't no senator's son").

Springsteen opened with a thrashing rendition of "The Star-Spangled Banner" on a twelve-string acoustic guitar and segued into "Born in the USA," his dark contemplation of the Vietnam experience (mistakenly hailed as a patriotic anthem by Ronald Reagan during the 1984 campaign). He also played "No Surrender," which Kerry has used at his rallies. Toward the end of his set, Springsteen did remark, "We live in a land of great promise, but it's time to move it to the fulfillment of that promise," citing economic justice, civil rights, environmental protection and foreign policy. He maintained that Kerry understands better (than you-know-who) how to use America's military power. "The country we carry in our hearts is waiting," Springsteen said before he ripped through "Born to Run" and, with the other musicians, performed "(What's So Funny 'Bout) Peace, Love and Understanding" and Patti Smith's "People Have the Power." Talk about blue-state tunes.

Pop-star activism is commonly derided as egotism and/or dilettantism. When Ted Koppel interviewed Springsteen in August ("You've never gone partisan on us"), the newsman pushed this point: "Who the hell is Bruce Springsteen to tell anybody how to vote?" Springsteen replied that this was his "favorite question," saying it "seems only to be asked of musicians and artists," not lobbyists in Washington or business executives: "If you're in a big corporation, right, you influence the government your way, right? Artists write and sing and think, and this is how we get to put our two cents in." In Philadelphia, no one rushed the stage to confess pro-W sins. But should the presidential contest end up tight in the swing states, every dollar, every phone bank, every volunteer could tip the balance—and so, too, could every power chord.

DAVID CORN

CALVIN TRILLIN

On the President's Boast That He Knew Osama Bin Laden Rather Than Saddam Hussein Was Behind 9/11

That's excellent. So tell us: Why did you
For months imply the opposite was true?
And why does Cheney (Nanny Dick) still flog
That poor dead horse of how spies met in Prague?
But still, the fact you know this fact is swell.
Before this, it was difficult to tell.

The Happy Warrior

Remember when politics used to be unscripted and fun? David Cobb, presidential nominee of the Green Party, is having fun this year. "I find it exhilarating," he says, notwithstanding the likelihood he will finish behind even independent Ralph Nader, the Green candidate in 2000. Cobb is a 41-year-old lawyer and community organizer who ran for Texas attorney general before moving to Humboldt County, California, ground zero for green-thinking politics. Cobb playfully ridicules campaign stereotypes with his biographical equivalent of being born in a log cabin.

"I'm proud to say I'm the only presidential candidate in this election who grew up in a house without a flush toilet," he declares. "I don't say that to get a pat on the head but to underscore that I grew up in poverty—real poverty—and my running mate [Pat LaMarche of Maine] grew up in a public housing project in Providence, Rhode Island. So when I rail against the corporate capitalist system that oppresses workers, I'm speaking from my own experience. I've seen it up close and personal."

In Houston, where Cobb came of age, he was a dishwasher, construction worker, deckhand on shrimp boats and waiter, working his way through college and law school. "The constant refrain is that Greens are nothing more than upper-middle-class environmentalists, but you know what, that's the Sierra Club, not the Green Party," he says. "The Green Party is actually composed of working-class people."

The Greens' sensibility is still counterculture, but they've become far more inclusive, recruiting union members and urban minorities while also talking about governing issues with less froth, more substance. Double the minimum wage to $10 an hour. Repeal the NAFTA and WTO agreements, also the Taft-Hartley Act. End poverty—literally—with a new system to guarantee "sustainable livelihoods" for all, worthy work and living wages, decentralized economics and politics, an economy transformed to sustain nature rather than destroy it. "There are no good-paying jobs on a dead planet," Cobb observes.

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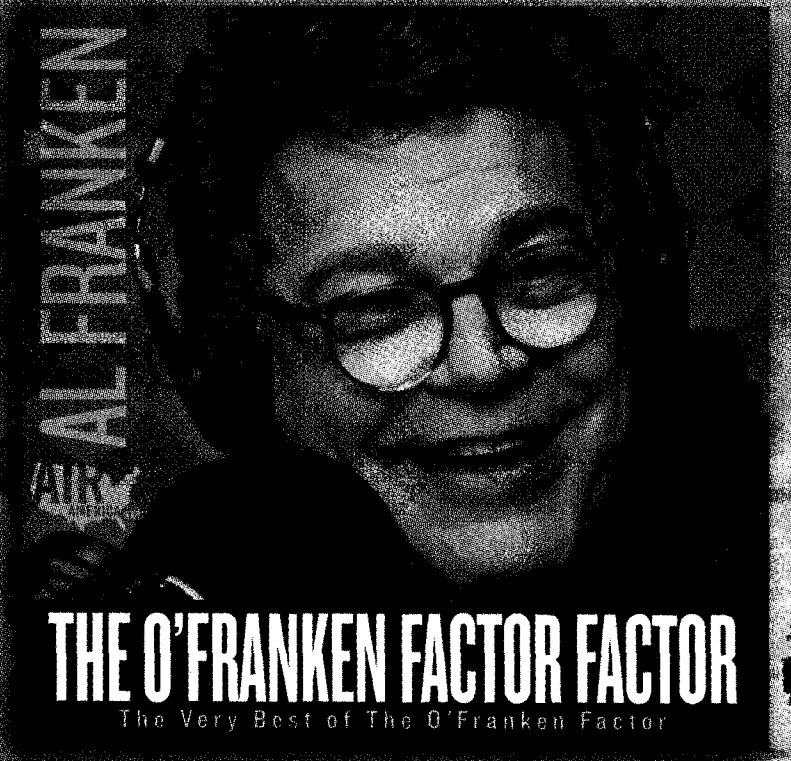
"Never doubt that a single compact disc can change the world.

Indeed it's the only thing that ever has."

—Al Franken



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COMMENT

The electoral reality is that, without the celebrity of Ralph Nader on the ticket, the Green Party will likely finish in asterisk territory with other minor parties. Indeed, a rump group is out working for Nader instead of Cobb. That's OK with Green Party organizers, who demonstrated party control by nominating Cobb over Nader at the June convention. Their objective is long-term party-building, registering more members, recruiting more candidates for local offices, organizing more state parties. By those terms, they see themselves winning by growing this year, while Democrats and major media direct the heavy fire at Nader.

The Greens in 2004 do not say, as Nader did four years ago, that there's no difference between Democrats and Republicans—just not enough difference. A provocative comparison of party positions on the Greens' website lists what Greens oppose and both major parties support: war in Afghanistan and Iraq, the Patriot Act, Israeli occupation of the West Bank, corporate agriculture, corporate welfare, corporate rules for global trade, bank deregulation, increasing military spending, the death penalty. Greens support and Democrats and Republicans oppose: national health insurance, doubling the minimum wage, full public financing for candidates, strict controls on genetically modified organisms, the landmine-ban treaty, real action on global warming, a new legal doctrine of workers' rights for Americans, electoral reforms that create the political space for a multiparty democracy.

Indeed, reading their literature and listening to Cobb, it seems more that the Greens are co-opting Democrats than the other way around—adopting reform convictions Democrats have abandoned. Cobb used to be a Democrat himself and was a campaign organizer for Jesse Jackson in 1988 and Jerry Brown in 1992. "That is actually the year I became so disgusted by the corporate money and realized the kind of progressive politics I wanted to do really couldn't be done by the Democratic Party, because the corporate money was like a cancer that had metastasized within that body," he says. "Even though there were great progressive Democrats, ultimately the money ruled the day." Most rank-and-file Democrats know this, he thinks, but don't know what to do about it. But, he says, "there is a growing awareness in a segment of the American population...that we do not have a democracy in this country. Democracy means the people rule. Today unelected, unaccountable CEOs are not just exercising power over us, they are literally ruling us. They are making the public policy decisions for us."

The radical edge in Green politics is small-d democratic—the Greens' conviction that "grassroots democracy" and "community-based economics" are still possible in America, that "workplace democracy" is a smart fit with "ecological wisdom." Their textbook is Lawrence Goodwyn's history of the agrarian revolt, *The Populist Moment*, which describes how ordinary citizens in the 1880s built an autonomous, self-educating social movement to challenge the dominant culture.

Cobb believes the Greens are working on the early stages of movement-building. In 1996, when Cobb first got involved, the party had forty elected officeholders and ten organized state parties, only five of those recognized with a ballot line. By 2000, it had twenty-one state parties, ten with ballot lines and eighty-one elected officials. Despite the hostile aftermath of 2000, when they were accused of tipping the election to Bush, Greens grew from twenty-one to forty-four state organizations, twenty-eight with ballot lines and 207 elected officials. If this keeps up, Democrats might want to check it out.

"Every time a progressive Democrat laments to me or wails or screams at me, I very calmly say, 'I appreciate where you're coming from, but you know what, we're going to keep doing what we're doing and we're growing,'" Cobb relates. "We are getting larger and stronger and better organized with every election cycle. If you really think that our growing strength is a problem, then the solution is to work together to change the voting system."

The future of Green power remains a fantasy until the legal barriers that face all minor parties are overcome—the winner-take-all election system that leads citizens to vote for the lesser of two evils rather than someone who genuinely represents their views. Despite history and tradition, Cobb believes this will occur when major parties eventually feel threatened by their internal decay. "Principled liberals have clearly been sold out and lied to by the Democratic Party leadership, but so too have principled conservatives by the Republican leadership," he explains. As disgust deepens for the two-party duopoly and party faithful drop away, the pressure for instant-runoff voting and larger reforms will accelerate. San Francisco launches IRV City Council elections this fall.

What might the Democrats learn from the Green Party? The leadership is hopeless, Cobb believes, "like a huge statue, but it's completely hollow and only the corporate cash is keeping it upright." However, Cobb suggests, what rank-and-file Democrats "could crib from us is that they have a helluva lot more power than they realize—if only they would exercise it.... When you unleash the democratic spirit for individual members and encourage them to act autonomously and individually, it is nothing short of staggering." It might also be more fun.

WILLIAM GREIDER

Still Blair's Party

Brighton, England

The first thing I saw when I walked through the labyrinth of security checkpoints at the annual Labour Party Conference here was a young man in a black CBGBs T-shirt and baggy jeans on a big video screen talking about Iraq. By the time I reached the main floor he was just coming through the doorway. "Weren't you just speaking in the debate about the war?" I asked. "Which side were you on?"

"Supporting the reconstruction of Iraq," he said.

"What about the motion to set a date for withdrawal?"

"Oh, we were against that," said Matt Keeler from Romford, who though personally opposed to the war had indeed just told the delegates that "withdrawal of troops in Iraq would be a criminal betrayal of the responsibility we owe to the Iraqi people."

I'd been misled by Keeler's costume, but his fidelity to the script shouldn't have come as a surprise—this was a conference

(Continued on Page 27)

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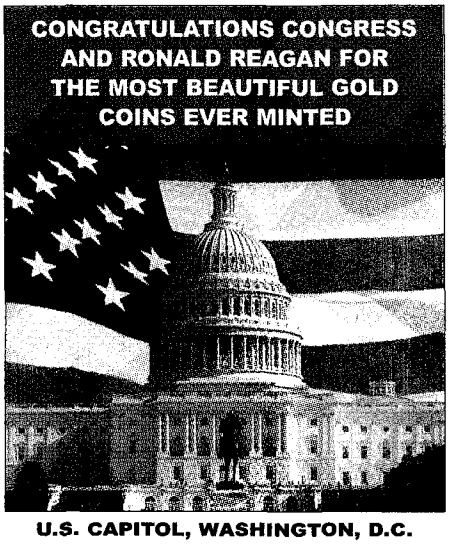

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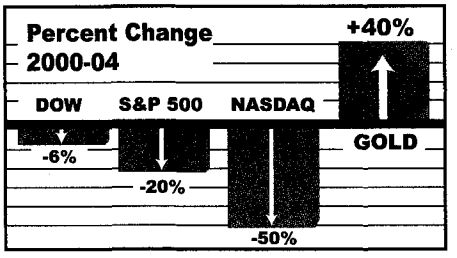

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JONATHAN SCHELL

Potemkin Government

The longer the Bush Administration is in office, the clearer it becomes that it has a disordered relationship not just with one aspect of the world or another, such as the war in Iraq or the budget deficit, but with something like the factual world per se. Perhaps the best example is the recent decision to deploy five rockets in silos in Alaska as the first stage of a national missile defense. The problem is that strictly speaking, there is no such thing as NMD. That is, no functioning NMD has yet been invented or tested. Even the chief weapon evaluator in Bush's Pentagon says that at best the missiles have "20 percent" functionality. A previous Pentagon evaluator, Philip Coyle, now at the Center for Defense Information, goes further, saying their capacity is "nil," and calling the system "a scarecrow." Gen. Eugene Habiger, a former chief of the US Strategic Command, states flatly, "A system is being deployed that doesn't have any credible capability." And yet George W. Bush has announced to the world, "We say to those tyrants who believe they can blackmail America...you fire, we're going to shoot it down."

"That is incorrect," Coyle has commented.

Misrepresentation of programs, including weapon systems, is an old story. But the installation of a system of proven unworthiness is something new. It requires not just denial—a passive operation—but an active insurgency against facts and the scientific laws that guide them, in a sort of a pre-emptive strike against reality itself.

The disorder appears in many forms. Programs announced for one purpose accomplish the opposite. The Clear Skies program dirties them. The Healthy Forests Initiative clear-cuts forests. The No Child Left Behind program, unfunded, leaves millions of children behind. Social Security "reform" defunds Social Security.

Bad news delivered by the Administration's own experts prompts attacks upon them and burial of their reports. When Medicare's chief cost analyst, Richard Foster, charged with computing the price of the President's drug-benefit legislation, tried to communicate his findings to Congress, he was threatened with retaliation. When the head of the Army, Gen. Eric Shinseki, informed Congress that several hundred thousand troops would be needed to occupy Iraq, his estimate was derided, and he was pushed aside. When the President's Assistant for Economic Affairs, Lawrence Lindsey, estimated that the Iraq war might cost $200 billion, he was fired.

Even within the Administration's inner councils, show has superseded substance. In *The Price of Loyalty*, by Ron Suskind, former Secretary of the Treasury Paul O'Neill has written that Cabinet meetings were not true places of decision-making, which was performed instead by an informal "praetorian guard" led by the Vice President.

Each of the lists of examples of each of these symptoms of disorder could be lengthened greatly. We are left with a portrait of a "government" whose principal activity is no longer governance but the creation and manipulation of images for political appearances. All concrete purposes, including the "war on terror," are subordinate to these ends.

And yet this same Administration is the one that has laid claim, more categorically than any in American history, to direct, often by force of arms, the affairs of the planet. Even as it has increasingly lost its grip on the world cognitively, it has reached out to grab it physically, asserting permanent military hegemony over the earth and claiming the sole validity of the American system, which it calls the "single sustainable model for national success: freedom, democracy and free enterprise."

No wonder the misapprehended world itself is undergoing a quiet revolution against Bush in the realm of public opinion. Among the 34,330 people in thirty-five countries polled by the Program on International Policy Attitudes, majorities in only three—Nigeria, Poland and the Philippines—favored the President's re-election. Four of five people preferred Senator John Kerry. The Administration has sought through international propaganda efforts (especially in the Middle East) to win the earth's peoples to join it in its fantasy world. But the world lives in the real world, and is unmoved.

How will it all end? Can a country that cannot see the world run the world? One possibility is that the bubble of illusion will pop, and the Bush Administration will be driven from office in November. Senator Kerry is trying his hardest to accomplish this feat. Another is that the United States will stay loyal to Bush and lose both its grasp of reality and the respect of the world, notably including America's traditional allies.

One more possibility remains to be considered. The President has established something like a Potemkin government. Is it possible that his global ambitions, too, are Potemkin ambitions—that they are as unreal and fungible as his grasp of, say, the mathematics of the budget deficit and rocket science? The war in Iraq, in which so many real lives have been harmed or destroyed, argues otherwise. So does the talk within the Administration of attacking Iran to stop it from acquiring nuclear weapons. And at the Republican convention, the President outlined an even more aggressive and ambitious policy to force the Middle East to accept the single viable model.

Yet it is also a fact that the Administration has quietly backed down from a number of its most bellicose threats. In his State of the Union address of 2002, the President vowed he "will not permit" Iran and North Korea to acquire nuclear weapons. But North Korea probably has acquired some, and the Administration has done nothing. Secretary of State Powell even said that the North Korean arsenal was "not a crisis." In the first presidential debate, it was the President who emerged as the most devout multilateralist. Would it be too much to hope that the unreality that characterizes the Administration's plans will swallow up its most dangerous ambitions, that global hegemony as a whole will go the way of the threats against North Korea, that in a second term the Administration might even declare a quick victory in Iraq and leave?

Probably, entertaining such hopes is too much. Voting George W. Bush out of office in November is the better idea.

Jonathan Schell is the Harold Willens Peace Fellow at the Nation Institute.

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ALEXANDER COCKBURN

'There Are No Innocents'

Barcelona

An oppressive and beleaguered empire, a terrorist international, a storm raging in the world press about torture, right-wing Christians on the march against moral decline and the collapse of family values—you can stand here on Montjuic hill and history grips you by the arm.

In 1896 all Europe was shaken by reports of the terrible tortures endured by prisoners entombed in the dungeons of the fortress built by the Bourbons on Montjuic. Terror, in the form of militant anarchism—the Al Qaeda of its era—had already been on the march for a generation, its detonations caused by such devices as the "Orsini bomb," whose sinister horns were filled with fulminate of mercury, which exploded on impact, thus bypassing the need for a fuse. Orsini went to the guillotine in 1858 after hurling his invention at Louis Napoleon. He missed, but he killed eight and injured 156. In 1862 Nobel patented dynamite and gave "propaganda of the deed" a deadlier tempo.

Suicide bombing can be traced at least as far back as Ignatei Grinevitsky, part of the team that killed Czar Alexander in 1881. The first bomb failed in its intention, so Grinevitsky stepped close enough to the Czar's carriage to insure that the second bomb would do the job, though it took him as well as his target. As listed by Benedict Anderson in a marvelous series across three issues this spring, summer and fall in *New Left Review*, international anarchism had a steady run of successes. After Czar Alexander came the assassinations of French President Carnot in 1894, Spanish Prime Minister Cánovas in 1897, Empress Elizabeth of Austria in 1898, King Umberto I of Italy in 1900 (planned in Paterson, New Jersey), US President McKinley in 1901, King Alexander of Serbia along with his Queen in 1903, Russian Interior Minister von Plehve in 1904, Grand Duke Sergei of Russia in 1905, King Carlos of Portugal and son Luiz in 1908, Prince Ito of Japan in 1909, Russian Prime Minister Stolypin in 1911 and King George of Greece in 1913.

Being a ruler was a riskier business a hundred years ago, and bystanders were not immune either. From the explosives hurled at processions or from such venues as the upper tiers of theaters came substantial collateral damage, contemplated with moral equanimity by some anarchists. Asked at his trial in 1894 why he had killed so many innocent people, the French anarchist Emile Henry explained to the court that anarchism "is born in the heart of a corrupt society which is falling to pieces; it is a violent reaction against the established order. It represents egalitarian and libertarian aspirations which are battering down existing authority; it is everywhere, which makes it impossible to contain." So, said Henry as he faced the guillotine, "*Il n'y a pas des innocents*." There are no innocents, at least among the privileged classes.

In 1896 came the famous bloodbath at the Feast of Corpus Christi on June 7, when an unknown hand threw a bomb into a religious procession led by the bishop of Barcelona. This may have been the work of a police agent, since the bigwigs had passed by and the bomb killed twelve working people at the tail end of the procession who, at least by Emile Henry's standard, were innocent, unless an anticlerical perpetrator had reckoned that mere participation in a religious procession recruited one to the ranks of the guilty.

After the Corpus Christi bombing an unrelenting police roundup saw hundreds of suspected anarchists and kindred suspects dragged up the hill to the military prison on Montjuic, where instruments of torture dating back to the Inquisition were awaiting them. Their bones broken, their genitals burned and mutilated, some died or went mad. Five were garroted.

Among the prisoners was a Cuban creole called Fernando Tarrida, professor of mathematics and engineering director at Barcelona's Polytechnic Academy. He was also a contributor to Barcelona's anarchist daily, *El Productor*, and the journal *Acracia*, arguing against "propaganda of the deed" by small groups as ineffective in battling the money power. Tarrida urged broad anarchist organization of working people. A lieutenant warden in the prison recognized his former teacher and leaked his arrest to the press. Tarrida's cousin, a conservative senator, got him released and Tarrida headed across the Pyrenees with letters and documents from the prisoners in Montjuic recounting the tortures they had endured. He exposed the horrors in his book *Les Inquisiteurs d'Espagne*. From platforms across Europe orators thundered against Montjuic.

Anarchism had many chapters left to unwind, not least of them the Tragic (or Glorious, depending on your point of view) Week beginning July 26, 1909. The already terrible condition of Barcelona's poor had been augmented by a fierce downturn in the textile industry. There was also great popular fury at a military draft, which had seen 40,000 conscripts dispatched (with grave subsequent casualties) to Spanish Morocco to protect the commercial interests of a Barcelona consortium including architect Antonio Gaudí's prime patron, Eusebi Güell. In one night twenty-three churches and convents were fired and gutted.

Maybe because it was a rich source of employment, Gaudí's cathedral, the Sagrada Familia, then as now in construction, was spared, though the anarchists had no love for Gaudí, identified as the architect not only of Güell but of Catholic reaction. In 1936, at the onset of the Civil War, anarchists broke into the Sagrada Familia and destroyed all of Gaudí's plans and records. History marched on, rich as always in surprises. Today the Sagrada Familia is as vibrant a building site as any Gothic cathedral in the Middle Ages. The day I visited it and contemplated Gaudí's paean to the Holy Family, and the additions by later hands, I bought a copy of *El País*, whose main headline brought news of Spanish Prime Minister Zapatero's announcement that his Socialist Party was endorsing gay marriage, of which Spain will soon be the third legal sanctuary in Europe. The Catholic Church, well aware of its financial underpinning by the state, soon muted its initial fury. ■

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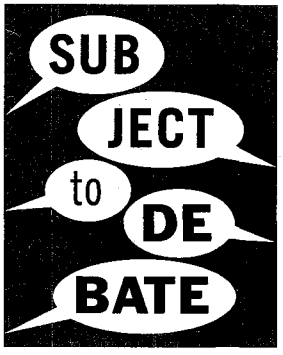
KATHA POLLITT

Bush's Court Picks: Be Afraid. Very Afraid.



Democrats haven't made much of what would happen to the courts should Bush win a second term. This is curious, because you'll remember that the Gore campaign was virtually tattooed with the slogan "Two words: Supreme Court." Maybe the undecideds of Ohio don't know the President nominates judges, and nobody wants to tell them. After all, when you have a system in which the voters who matter most are the ones who know the least, care the least and pay the least attention, you're taking a risk if you give them too much information at once. They might explode! The conventional wisdom is that only college-educated liberals care about the courts, and they're already on board, but I wonder how true that is. What about those soccer moms, torn between tax cuts and abortion rights, or Arizona's Republican women, who are beginning to revolt against their party's hard-right turn, as *Salon*'s Sidney Blumenthal recently reported? And is it wise to assume that everyone who cares already knows? A friend of mine recently met a Yale senior who supported Kerry, but not enough to register to vote; when she pointed out that Bush would have four years to pack the courts, the young genius acknowledged that this thought had never occurred to him.

Maybe people are just complacent. By an amazing stroke of luck, there have been no vacancies on the Court in Bush's first term. Still, the current Court has been sitting for ten years, and the only Justice under 65 is Clarence Thomas. How much longer can God—who is obviously *not* a Republican—keep these spry oldsters going? Justice Stevens, the liberal stalwart, is 84! The next President will probably get one, two or even three nominations, and Bush has said he wants more Justices in the Scalia/Thomas mold. Depending on who leaves, the balance of forces may not change right away. But even if Bush merely trades a worn-out reactionary like the 80-year-old Rehnquist for a fresh young one, he's locking up a seat for the right wing on the nation's top Court—for what, the next thirty years? Don't rely on Senate Dems to hold out for a "moderate" appointment—especially if Bush plays the ethnic card and nominates a Hispanic. I can hear it now: How can we deny Torquemada the American dream?

What's the worst that could happen if Bush wins? The 5-to-4 balance the Court is famous for could tip the other way. Take abortion rights: *Planned Parenthood v. Casey* (1992), which affirmed *Roe v. Wade* (while permitting states to apply restrictions as long as they were not an "undue burden"), was 5 to 4. So was *Stenberg v. Carhart* (2000), which struck down Nebraska's "partial birth" abortion ban for not including a health exception. Some pundits, and of course Naderites, pooh-pooh feminists who fear Bush appointees would overturn *Roe v. Wade*. Bush wouldn't let that happen, they say, because that would wake up the sleeping prochoice voter giant. Maybe—but why then is he nominating to the federal bench such anti-*Roe* zealots as Michael Fisher, John Roberts, Michael McConnell and John Rogers, and going so far as to give recess appointments to Charles Pickering and William Pryor? Why are antichoice Edith Jones, J. Harvie Wilkinson III and Janice Rogers Brown on the Supreme Court short list? The whole tenor of this Administration is to go for as much as it can get, to keep the Christian right happy, and to restrict reproductive rights in every conceivable way—down to the last stem cell. Once on the bench, the far-right, ideologically driven judges Bush favors could throw caution to the winds and act on their sincere hatred of abortion, politics be damned—Scalia and Thomas have been doing so for years.

State support of religion is another crucial battleground. Challenges to Bush's many faith-based initiatives are wending their way to the High Court—for example, the NYCLU is bringing suit against government funding for Salvation Army social service programs on the grounds that they are infused with religion (AIDS programs that teach only abstinence, for example), and have religious tests for employment. Two years ago, the Court ruled 5 to 4 in favor of a voucher program for parochial schools, not a good sign for people who believe in separating church and state. John Kerry is one of those people—if he gets to choose Rehnquist's replacement, you might not be compelled to pay taxes to keep condoms away from people with AIDS.

The truth is, there is hardly an area of life that will not be affected by the judicial appointments made in the coming years. Will the courts continue to dismantle your right to sue state governments in federal courts? By 5 to 4, the Supreme Court decided that federal protections against age discrimination don't apply to state workers. (More recently it upheld the Americans with Disabilities Act—insofar as it applied to the right of citizens not to have to crawl up the courthouse steps.) On the same states' rights theory, by 5 to 4 it threw out parts of the Violence Against Women Act. The Patriot Act? Immigrants' rights? The environment? Ballot issues, à la Florida? Whom do you want in charge of choosing the men and women who will decide the big questions sure to arise?

Right-wing legal activist Clint Bolick has said, "This election could be a twofer—we win the White House and the Supreme Court." Let's make it a twofer for civil liberties, civil rights—and counting every vote.

* * *

David Soares is running for district attorney of Albany County, New York, on a platform of opposition to the ultra-severe Rockefeller Drug Laws (read Katrina vanden Heuvel's "Editor's Cut" about Soares at www.thenation.com). Having come from way behind to win the Democratic primary over the incumbent, Paul Clyne, a machine politician and strong supporter of those laws, Soares now faces two well-funded opponents: Clyne, now running with the Independence Party, and Roger Cusick, a Republican. Soares has the grassroots, the Working Families Party and reason on his side. But he desperately needs donations too. If he wins, we can start to turn around the vicious and failed "war on drugs," which has filled our prisons with nonviolent drug offenders. Send checks: Friends of David Soares, Box 301, Delmar, NY 12054. ■

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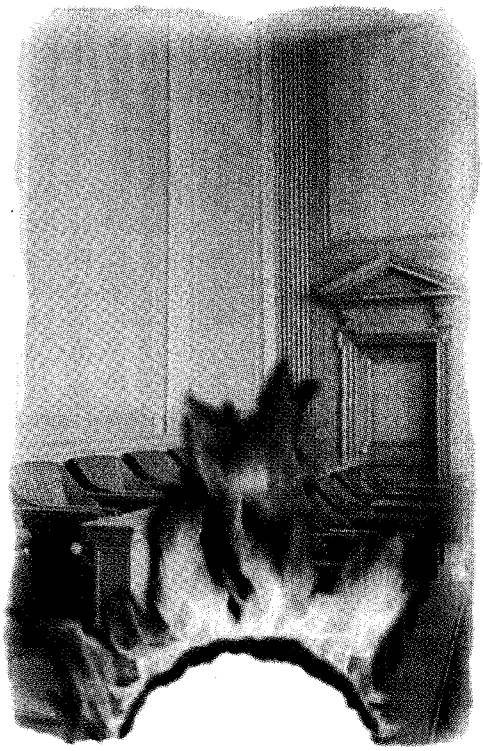
ARTICLES

THE RIGHT WING'S DRIVE FOR 'TORT REFORM'

Just as the GOP convention was about to kick off in late August, the US Chamber of Commerce made an unusual announcement. Although it had never in its 92-year history endorsed a presidential candidate, the organization vowed to help pump $10 million into ads in seven battleground states urging voters to support lawsuit restrictions endorsed by George W. Bush and opposed by John Kerry. Calling it "a make-or-break election for legal reform," chamber president Thomas Donohue charged that "lawsuit abuse destroys jobs, drives doctors out of business and forces companies into bankruptcy."



by DAN ZEGART

The ads put the 3 million businesses of the theoretically nonpartisan chamber squarely in Bush's corner. The Bush campaign has hit hard at the Kerry/Edwards ticket for allegedly being pawns of plaintiff's attorneys. Indeed, the lines could not be more clearly drawn. John Edwards had a meteoric career as a malpractice lawyer, while the Bush forces have made attacks on "junk lawsuits" a mainstay of their stump rhetoric. "You can't be pro-doctor and pro-patient and pro-plaintiff's attorney at the same time," said Bush in mid-August in Michigan. "I made my choice. I am for medical liability reform now."

The crowd applauded, although voters have never shown the slightest interest in "tort reform." But regardless of whether or not the issue helps Bush get re-elected, its heightened prominence demonstrates the escalation of the stakes in what is now a thirty-year-long war by the ultra-right to disembowel the civil justice system and make America safer for companies to work their unfettered will. Piggybacking on the campaign of an incumbent President—who made lawsuit restrictions a central part of his governorship in Texas—the tort reformers have seized on this election as their defining moment.

In Texas, however, the future is already here, thanks to several generous helpings of "reform." Anyone who wants a glimpse of what's in store for the rest of us would do well to look at Bush's legacy in his home state.

Jacqueline Smith has a hard time with the idea that suing over her mother's rape in a nursing home is "frivolous." Smith voted against Proposition 12, a constitutional amendment on the Texas ballot that capped medical malpractice awards. No state in history had ever taken the radical step of changing its constitution to restrict lawsuits. Smith, a 54-year-old freelance writer, didn't believe the TV commercials claiming that suits by greedy lawyers were driving up malpractice insurance premiums to the point that doctors were quitting medicine. Nevertheless, in September 2003 Proposition 12 passed by a razor-thin majority.

Smith herself had never had reason to sue anyone, until 2:30 AM on November 7, 2003, when a male nurse noticed that a patient's door at the Heritage Duval Gardens Nursing Home in Austin was closed when it should have been open. He heard crying, and when he snapped on the light, he saw a man leap from the bed of an elderly woman. The woman was naked. The man's pants were around his ankles. The man, according to police, was Kevin Arceneaux, a 6-foot, 190-pound nurse's aide. Still sobbing softly in her bed was Smith's mother, an 85-year-old Alzheimer's patient. Two months later, police arrested Arceneaux and he confessed.

Jacqueline Smith wanted the nursing home punished, especially when she learned that Heritage knew—or should have

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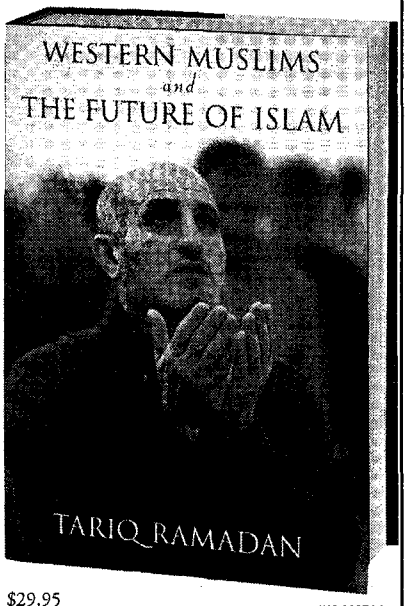

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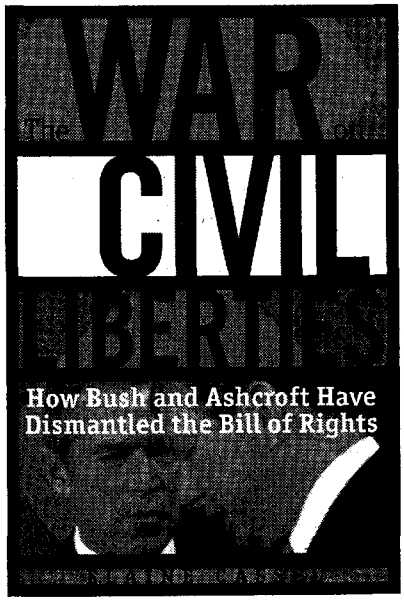

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known—when it hired Arceneaux that in eight years as a certified nurse assistant, he had never held a job for more than five months. He arrived at Heritage after a brief stint at another nursing home in Austin, where he had been questioned regarding a woman who was sodomized there on his third day. Before that, he worked eleven days at another facility. Despite Arceneaux's checkered past, Heritage hired him on September 22 and put him on the lightly supervised night shift. Within six weeks, an Alzheimer's patient was sexually assaulted a few doors down from Smith's mother and then Smith's mother was raped, though police didn't learn of the first attack until much later.

Jacqueline Smith hoped the Texas Department of Human Services, which regulates nursing homes, would discipline Heritage. But DHS found that Heritage had done nothing wrong in hiring Arceneaux, since the facility had performed the required criminal background check, which came up clean. The agency's report found that "based on substantial evidence, [Arceneaux] sexually abused [Smith's mother]," but didn't cite Heritage for any deficiencies. (Heritage continues to deny any impropriety in hiring Arceneaux.)

Furious, Jacqueline Smith decided to try to do DHS's job herself, with a lawsuit. It fell to Frank Ivy, an Austin lawyer, to explain that tort reform in Texas had made her suit almost impossible financially no matter how negligent Heritage had been. Since the assault took place in the course of delivering medical care, it was considered malpractice—but that wouldn't help Smith. A nursing-home patient can't sue for loss of future income, a type of award that had been separately capped. Punitive damages were unlikely because the standard of proof had been raised under then-Governor George W. Bush, requiring Smith to prove that Heritage intended to harm her mother, a so-called "malice" standard.

Ivy explained that the only money Smith could extract from Heritage would be for her mother's "pain and suffering." To that end, testimony could be introduced about the terror caused by the brutal rape of a confused, elderly woman. But even the most sympathetic jury couldn't give her more than $250,000, the limit set in the constitutional amendment that had passed the previous September. Then Ivy explained why even the maximum award, which Smith was unlikely to get, wouldn't be enough. Tort reform would force Smith to hire experts in several fields, including psychiatry and nursing-home administration, to prove Heritage had been negligent, costing as much as $20,000 per witness. And with settlements rarer because insurance companies know a jury can't sting them for more than $250,000, a trial was far more likely than before the initiative passed. All told, Frank Ivy's five-person law firm had to be prepared to spend $100,000 with no guarantee of recovery or earning its contingent fee of 40 percent of the payout. When all the math was done, the best Smith could hope for would be to win perhaps $50,000 from a nursing home that apparently hired a sexual predator to care for her mother.

Because of the changes in the law, Ivy's firm now takes only a handful of malpractice cases. He hopes—but isn't sure—that Smith's will be one of them.

Dan Zegart is the author of Civil Warriors: The Legal Siege on the Tobacco Industry *(Delacorte), and* Your Father's Voice: Letters for Emmy About Life With Jeremy—and Without Him After 9/11, *published last month by St. Martin's Press.*

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Smith says she doesn't care about the money. "I want to make them accountable so that it doesn't happen again," she says.

Before entering Heritage her mother had lived with Smith in her mobile home until Smith came to fear leaving her alone. "My mother became my daughter. It was like having my young daughter assaulted. And it's been extremely difficult."

There are no statistics, but a four-month *Nation* investigation established to a virtual certainty that there are many cases like Jacqueline Smith's mother, victims the civil justice system once helped who are now routinely barred from court. This is happening not only in Texas but in many other states, as a kind of tort-reform frenzy has swept the country during the past two years. Malpractice "reforms" are only the thin end of the wedge for a much bigger agenda. Lined up behind the doctors are most of the Fortune 500, a formidable coalition led by insurance and tobacco companies, far-right think tanks and dozens of well-heeled pressure groups, many of them fronts for corporate interests. Buoyed by the conservative tide flowing through the country, this coalition has stepped up the pressure to enact damage caps and other measures. Before unleashing its campaign ads, the Chamber of Commerce had already poured $100 million into an antilawsuit lobbying and publicity blitz that claimed product liability suits add a "tort tax" of $809 per person every year to the cost of goods and services. Stories highlighting the lawsuit abuse "problem" have become a staple in *Reader's Digest* and the newsweeklies.

It is no exaggeration to say that the civil justice system in America is under saturation bombardment, the most significant effort at rewriting the laws that govern lawsuits in twenty years. These are changes some legal scholars believe could alter the balance of the three branches of government; changes that could defang the civil jury so thoroughly that its role as quality-control guardian for products and services will alter drastically, if it doesn't wither and die.

The cheerleader in chief for this movement is President Bush. In his first months as governor of Texas, a job he won with the help of $1.3 million from the extremist Texans for Lawsuit Reform, Bush declared an "emergency" on "frivolous lawsuits" and rammed through the legislature a series of bills restricting suits. Now Bush has become the first President to make downsizing the civil courts a signature concern of both his Administration and his re-election effort. His campaign calls medical liability the "largest cost in the health care system"—a sheer fiction.

While Bush and the GOP in Congress push for federal lawsuit restrictions, Texas-style legal changes are already becoming the rule, not the exception. Thirty-two states have enacted civil justice "reform" in a two-year period. Indeed, since the Gingrich revolution swept the House of Representatives and many statehouses in 1994, virtually every state has made it harder to sue over botched medical care, hazardous products, business scams, drunk drivers, nursing-home rapes and many other woeful situations with which the tort system deals in the United States. Whole categories of miscreants can dodge the courts in Texas, unquestionably the flagbearer of the movement. If you buy a brand-new house and the windows fall out, you can sue the builder only after navigating a maze of arbitration that can take years, one designed and staffed by the home-building industry. And by altering its Constitution via Proposition 12, Texas guaranteed that its Supreme Court cannot

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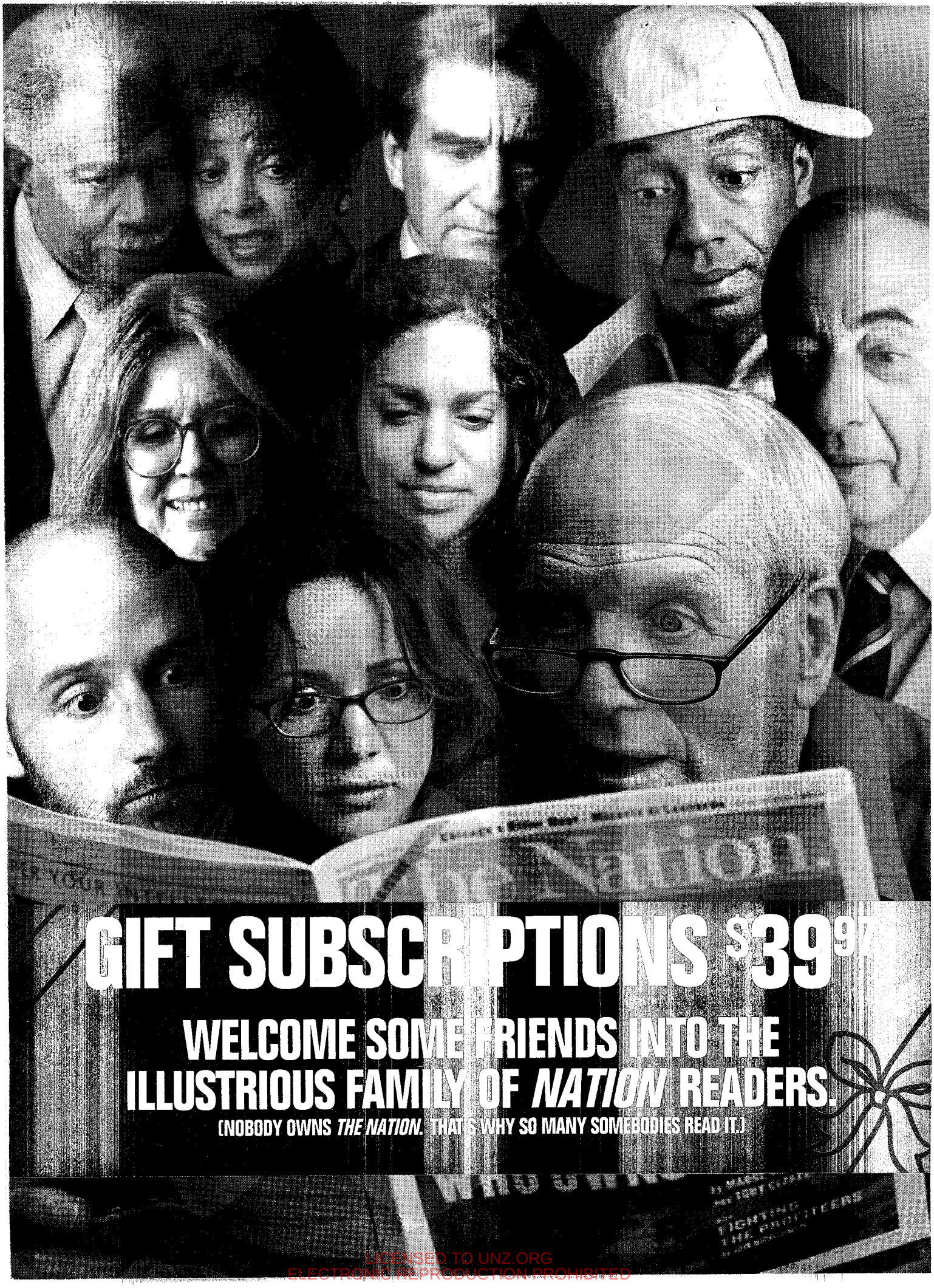
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nullify the damage cap, something high courts have done ninety-six times to lawsuit restrictions. Constitutional amendments are on the ballot in three other states this fall.

Despite promises that only meritless legal actions would be affected, the early evidence from Texas is that the referendum has combined with previous changes to severely compromise the state's civil justice system. Local newspapers are beginning to write about alleged malpractice victims who cannot find a lawyer, like Yvonne Harrison, a clinical pathologist and paralegal whose 18-year-old son died in the hospital of pneumonia. Harrison says all of the dozens of lawyers she contacted cited the damage caps in turning her down. She is now representing herself. In Harris County, which includes Houston, only forty medical malpractice suits were filed between January and March 2004, compared with 120 during that period in each of the previous three years. And finally, I investigated other "medical accidents" in Texas, including a baby blinded at birth after doctors allegedly failed to identify a treatable eye condition, and a woman dying of lung cancer, apparently because her physician misread her chest X-ray. Both were rejected by attorneys who said tort reform made them unfeasible.

The seed money for 'tort reform' came from the same group of extremists whose foundations nurtured the rest of the ultra-right's agenda.

"We're turning down ten cases a week that we used to look very seriously at," says Tom Rhodes, a San Antonio malpractice specialist. Children and the elderly will be disproportionately affected, he says, because the only damages they can receive are for pain and suffering.

The purpose of Proposition 12's severe restrictions on victims' rights was to lower malpractice insurance premiums, which had seen double-digit increases. In Texas, as elsewhere, the tort reformers exploited the rate hikes as part of a scare campaign to sell reform. However, the facts show that the legal system is not driving insurance rates. Tort actions at the state level—meaning personal-injury lawsuits, everything from product liability to traffic accidents to libel—have fallen 5 percent in ten years, according to the National Center for State Courts.

More specifically, malpractice filings declined nationally by about 4 percent between 1995 and 2000. And while a recent analysis of the Medicare population estimated that medical error kills 131,000 people annually, making it the fourth leading cause of death, medical suits are only 5 percent of personal-injury filings, with product liability cases another 5 percent. Plaintiffs lose 60 percent of product cases and 70 percent of malpractice suits.

Not only are socially significant lawsuits like malpractice and product liability a small fraction of the legal picture but numerous studies show that capping damages doesn't affect insurance premiums. One survey examined insurance rates between 1985 and 1998, then ranked the states according to the severity of their restrictions on lawsuits. Increased severity did not produce lower rates. In Texas, where malpractice filings dropped 20 percent in the nine years before Proposition 12, the liability picture has been little improved by its passage. About a third of doctors will see a decrease of 12 percent—after cumulative increases of 147 percent. The rest will either get no relief or double-digit increases.

According to J. Robert Hunter, Federal Insurance Administrator under Presidents Ford and Carter, caps don't work, because liability rates reflect not litigation costs but the insurance industry's own practices. During good times, insurers write policies even for the worst risks to generate cash for investment. When the stock market tanks, rates climb steeply to cover losses. The current liability crisis, Hunter notes, coincided with the market downturn that began in the summer of 2001. And since the insurance cycle is international, the "hard market" also drove up premiums in Canada, Australia and France. "And those countries have totally different legal systems," Hunter says.

The irony is that just as virtually the entire country finishes retooling its civil justice system, the hard market is easing and insurance costs are edging downward, a trend that became evident in late 2003 and for which tort reform is unjustly receiving credit, according to Hunter.

The numbers show that lawsuits are an insignificant cost both to businesses and to health providers, for whom they represent less than 2 percent of spending. In short, the lawsuit-abuse crisis is a hoax. Yet the Republican right has launched one of the great propaganda blitzes of recent American history to yank the teeth from the civil jury.

The reach of the civil justice system expanded dramatically during the 1970s, but by the early 1980s a retrenchment was under way. The seed money for tort reform came from the same group of extremist multimillionaires whose family foundations nurtured the rest of the ultra-right's agenda, especially David and Charles Koch, Richard Mellon Scaife and Lynde and Harry Bradley. Of the dozens of think tanks they created, four—the Heritage Foundation, the Washington Legal Foundation, the American Legislative Exchange Council and especially the Manhattan Institute and its Center for Legal Policy—took particular aim at plaintiff's lawyers.

They were an obvious target, especially the "mass tort" lawyers who were filing waves of suits over products like the Dalkon Shield and asbestos. Only in America can civil juries, which are virtually unheard of in the rest of the world, both compensate victims and award punitive damages against a defendant whose behavior outrages the community. Although less than 4 percent of tort actions are decided by a jury verdict, that tiny handful represents the only time a corporation's fate rests in the hands of ordinary citizens. A punitive damage award, or any large judgment, is a serious embarrassment and often collapses stock prices. The fate of asbestos maker Johns-Manville, which sought bankruptcy protection in 1982 under a deluge of 20,000 lawsuits, has often been cited as a portent of things to come, although it is rarely mentioned that Johns-Manville was a fully solvent company with assets of more than $2 billion when it sought shelter. Or that it emerged six years later with its profit-generating core intact.

By the mid-1980s the asbestos wars had made a number of plaintiff's lawyers wealthy political players in the liberal wing of the Democratic Party, while on the other side, the American Tort Reform Association was founded to lobby and begin reprogramming the jury pool through a long-term propaganda campaign. The ultra-right was perfectly positioned to speak to opinion

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leaders through its web of self-referential think tanks, magazines, books and conferences. The Manhattan Institute promoted Peter Huber, whose influential books injected terms like "junk science" and "tort tax" into the national conversation.

Few, if any, of the ultra-right's obsessions have won such substantial backing from mainstream corporate America as tort reform. Corporate boards may have little stake in school vouchers or abortion, but every company wants to limit its liability. According to Leonard Salle, co-author of the Commonweal Institute's report "The Attack on Trial Lawyers and Tort Law," the total spent on lobbying, advertising, think tanks, endowing chairs at law schools and electing reform-friendly judges and legislators probably exceeds $1 billion over a thirty-year period. But despite two successful waves of tort reform in the states in the mid-1970s and mid-1980s, in Washington antilawsuit bills died in committee. As an issue, "tort reform" had a chilly, academic ring, like lobbying for the metric system.

The solution was born in south Texas in 1991, when the Rio Grande Valley Chamber of Commerce, infuriated by a $2.5 million verdict to two Mexican-Americans illegally fired from a sugar mill, launched Citizens Against Lawsuit Abuse, which plastered billboards across the valley with slogans like "Lawsuit Abuse: Guess Who Picks Up the Tab? You Do," according to a joint study by the Center for Justice and Democracy and Public Citizen. The cigarette companies were already deeply involved in the issue, and Philip Morris provided generous start-up funding for Citizens Against Lawsuit Abuse. Thanks in large part to tobacco largesse, there were CALA groups all over the country by the mid-1990s. In 1993 and 1994, while a politically green George W. Bush received instruction from Mike Toomey, soon-to-be lobbyist for Texans for Lawsuit Reform, Karl Rove, a consultant to Philip Morris, was convincing Bush to exploit the lawsuit-abuse issue in his first gubernatorial campaign, according to the book *Bush's Brain*, by James Moore and Wayne Slater. Tort reform proved a powerful weapon. Although of little interest to voters, the issue, according to Rove himself, was a magnet for corporate donations—among numerous other benefits.

"By publicizing all the horrors of the tort system, they get a lot done," explains Pamela Gilbert, a lobbyist for plaintiff's lawyers. "You pass legislation that curbs their liability—that's the ultimate prize. But short of that, you affect juries, you affect elected officials, you affect judges, you affect the entire discourse of the United States." Best of all, by doing harm to plaintiff's lawyers, Gilbert notes, tort reform would help defund the Democratic Party, a key piece of strategy for the Rove Republicans in the new millennium.

With a uniform message and national structure, the "lawsuit abuse" campaign grew exponentially in the states in the 1990s. Trial lawyers and consumer groups fought back with hastily erected alliances. The tort reformers effectively used distorted anecdotes about minor injuries bringing absurd verdicts. The trial lawyers' counterpunch to "lawsuit abuse" was "tort deform," which sounded like a bad joke from a faculty cocktail party.

Now the message has become so familiar it has jumped the fence from think tanks to John Stossel, drive-time radio and David Letterman's Top Ten, coming perilously close to turning Americans against the civil jury, perhaps our most radically democratic institution. Its success can be measured by sitting in a Texas courthouse and hearing potential jurors recite, one after another, that there are just too many frivolous lawsuits.

There are, of course, plenty of things wrong with the civil justice system. It has high "transaction" costs, meaning money that should go to victims is eaten up by lawyers and others, but worst of all, it is haphazard. In 1991 a Harvard University study of medical malpractice in New York State found an unexpectedly high rate of medical accidents. However, few of even the most serious "mishaps" resulted in lawsuits, and there was no correlation between severity and litigation.

Carl Bogus, a law professor at Roger Williams University, argues that what plaintiff's lawyers do best is regulate, a role that has become more and more vital as government's watchdog function has shrunk under conservative attack. Bogus notes that while asbestos caused 170,000 deaths from lung cancer, the Environmental Protection Agency was never able to ban it. Lawsuits forced it from the market.

While asbestos caused 170,000 deaths from lung cancer, the EPA was never able to ban it. Lawsuits forced it from the market.

However, if this vital aspect of the civil justice system is to be rescued, someone will have to make the case for it. Despite Bush's persistent attacks and the presence of trial lawyer Edwards on the ticket, the Democrats apparently consider tort issues unmentionable. Part of the problem, says Gilbert, the trial-lawyer lobbyist, is that defending the system is inherently problematic. "If someone's been a victim of medical malpractice, to like say, Oh, but gee, aren't you lucky because you get to bring a medical malpractice lawsuit! It's like, Well thank you very much, I'd much rather that it never happened at all," says Gilbert.

The real goal is safety. Lawsuits can never provide anything more than frontier justice in a world in which we are surrounded by seemingly innocuous manufactured goods that in fact can injure or kill us. In this world, evil is truly banal—it's the missing plastic seal in a gas tank, the pill we take for morning sickness, the tires on our car. Plaintiff's attorneys can sometimes punish a wrongdoer, but there is no swift and sure law enforcement in our manufactured world. Whopping punitive awards—even in the rare cases where they are awarded and stick—are an embarrassment and a short-term deterrent, but the persistence of corporate wrongdoing over decades argues that the effect wears off. Ford built the flammable Pinto in the 1970s, the rollover-prone Bronco II in the 1980s and its successor, the almost equally hazardous Explorer, in the 1990s.

However, absent a working alternative, there is no substitute for civil justice. Ironically, says Gilbert, Enron and WorldCom probably would never have become headline-making criminal cases had the 1995 federal Private Securities Litigation Reform Act not succeeded in practically wiping out shareholder class actions that for years were a real deterrent to crooked bookkeeping and financial manipulation in publicly held companies. The potential for mischief if Congress were to take a similar course with medical malpractice suits is sobering.

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On the tort reform side, the numbers tell a story of squandered dollars. The $809 "tort tax" was invented by taking $233 billion, which is what insurance industry consultant Tillinghast-Towers Perrin says is the cost of the tort system, and dividing it by the population of the United States. But those billions represent not only legal expenses but the total cost of running the insurance industry, including executive salaries, advertising expenditures and much else unrelated to lawsuits. The real figure is probably less than half that amount.

The numbers game misses the point, because while the plaintiff's lawyer is indeed an American creation, billions would still have to be spent to compensate and care for victims even if the tort system were abolished. The legal systems of France, Germany, Japan, Australia and other wealthy countries forbid most personal-injury actions, ban contingent fees and require the loser to pay the winner's expenses, making suits by individuals against corporations impossible. Instead, national healthcare or other compensation schemes cover those hurt in any kind of accident. In Japan, a special industry fund covers air-pollution victims; another pays for injuries caused by pharmaceuticals. "In some sense it's because of the thinness of our welfare state and the kind of fragmentation of authority in this country that we just do more with the civil courts," says Marc Galanter, a law professor at the University of Wisconsin.

It is unlikely we will become less litigious—that there will be less law and fewer legal interventions. Although the number of personal-injury suits isn't rising, the sheer number of laws is increasing rapidly, writes Galanter. As an example, he offers government regulations: In 1960, 14,477 pages were added to the Federal Register. In 2002 the number was 80,322. But it is an open question who will get to manipulate this ever-expanding legal web. Galanter found that between 1962 and 2002, the percentage of civil cases that went to trial in federal courts fell from 11.5 percent to 1.8 percent, an astonishing drop. His conclusion was that the civil trial, with its adversarial public questioning of live witnesses, is vanishing. The implications are disturbing. "When there was a bigger possibility of trial, that distributed the bargaining chips in a certain way. Now we're going to a situation where so few things go to trial, it's not there anymore as a wild card for plaintiffs or underdogs to use," Galanter explains.

In addition to these trends, there is an increasing emphasis on alternative dispute resolution and privatized forums for handling certain legal issues, such as in-house tribunals within companies. If trials all but disappear while the right of ordinary people to sue is restricted, Galanter argues, the legal process becomes more and more about exchanges of paper between and within entities, especially corporations, frequently behind closed doors. Will Americans allow their most unique legal rights to slip down the memory hole? ■

IT MIGHT HURT A LITTLE SOMETIMES, BUT PRESIDENTS SHOULD ALWAYS TELL THE TRUTH.

When Presidents Lie

ERIC ALTERMAN

Presidential dishonesty, like so many things in life, is not what it used to be. Before the 1960s, few could even imagine that a President would deliberately mislead them on matters so fundamental as war and peace. When the evidence of presidential lying grew so enormous the phenomenon could no longer be avoided, its revelation helped force both Lyndon Johnson and his successor, Richard Nixon, out of the office. LBJ's false assurances regarding the second Tonkin Gulf incident, and their later exposure, would prove a significant factor in his own political demise, the destruction and repudiation of his party, and the ambitious Texan's personal humiliation and disgrace. Much the same can be said about his successor, the no less ambitious or dishonest Nixon. He, too, paid for his deceptions with his presidency, his reputation and a degrading defeat for his party in the following presidential election.

STEVEN BROWER

But by the time of the Iran/*contra* scandal in the mid-1980s—little more than a decade after Nixon's public disgrace—lying to the public had become an entirely mundane matter, one that could be easily justified on behalf of a larger cause. During the planning of the secret weapons sales to Iran, Reagan Cabinet officials, as well as the President himself, had warned of dire consequences should the public become aware of their plans: George Shultz argued during the crucial meetings that Reagan was committing "impeachable offenses," while Reagan himself predicted that if there was a leak to the media, "We'll all be hanging by our thumbs in front of the White House." But while the revelation did convulse the nation's political system for a year or so, it turned out that the President and his men had overestimated the cost of being proven liars as

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Eric Alterman is a senior fellow of the Center for American Progress, professor of English at Brooklyn College and the author, most recently, of When Presidents Lie: A History of Official Deception and Its Consequences, *adapted by arrangement with Viking Penguin.* *Copyright © 2004 by Eric Alterman.*

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What to read before you vote

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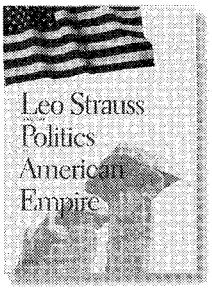
Anne Norton



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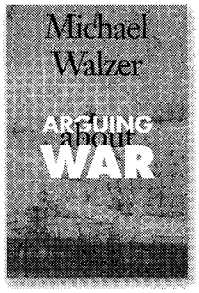

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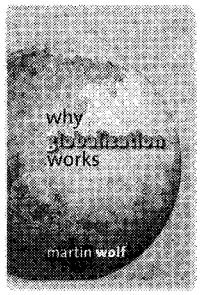

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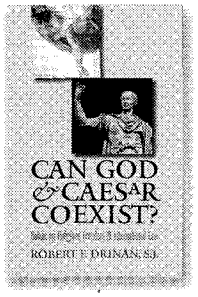

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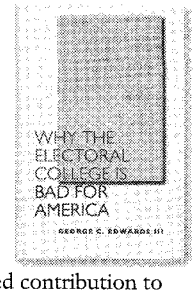

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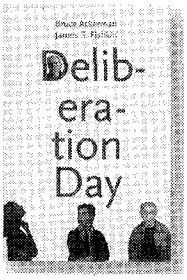

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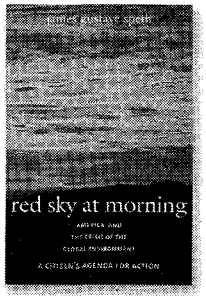

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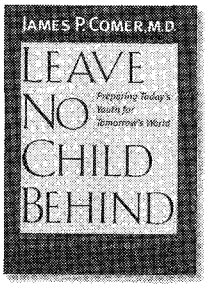

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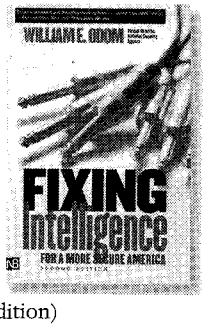

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well as suppliers of weapons to terrorists. Presidents Reagan and Bush remained nationally admired and, to many people, beloved figures. The events of Iran/*contra* barely rated a mention in the media during the weeklong celebration of Reagan's life following his June 2004 death. Former President Jimmy Carter, who earned a reputation for being painfully honest in public life, meanwhile, is considered a kind of political misfit within these same media circles, in which many seem more comfortable with a politician who ignores painful truths than one who confronts them.

From the standpoint of personal political consequences, the act of purposeful deception by an American President depends almost entirely on the context in which it occurs. Bill Clinton was impeached for his decision to "lie" under oath about adultery—a choice that, fortunately for many of his predecessors in office, no previous President had ever faced. In Clinton's case, his most vociferous critics succeeded largely in galvanizing the country on the President's behalf and in making themselves appear ridiculous. At the moment the conservative quest to remove Clinton from office reached its zenith—the day of his impeachment—the President's approval rating rose to a remarkable 68 percent. Still, lying about his affair with Monica Lewinsky, both to the nation and to the grand jury, was the most costly mistake Clinton ever made, including having the affair itself; it was a betrayal of both his closest supporters and many of his own most deeply held personal and political aspirations.

Bush returned the presidency to the tradition of deception relating to key matters of state, in particular those of war and peace.

To the relief of many made uncomfortable by the complicated moral questions raised by a President who lied about what most people consider to be a private moral sphere, Clinton's successor, George W. Bush, returned the presidency to the tradition of deception relating to key matters of state, particularly those of war and peace. Bush may have claimed as a candidate that he would "tell the American people the truth," but as President he effectively declared his right to mislead whenever it suited his purpose. We have no need here to rehearse the many costly untruths that led to the disastrous invasion of Iraq, as well as almost every significant policy initiative of the Bush Administration, nor their costs. As Michael Kinsley sagely observed early in the Administration's tenure, "Bush II administration lies are often so laughably obvious that you wonder why they bother. Until you realize: They haven't bothered. If telling the truth was less bother, they'd try that, too. The characteristic Bush II form of dishonesty is to construct an alternative reality on some topic and to regard anyone who objects to it as a sniveling dweeb obsessed with 'nuance.'"

Why do American Presidents feel compelled to deceive Congress, the media and the country about their most significant decisions? Perhaps the most elegant defense for such behavior can be found in the arguments of a mentor of a number of the planners of President Bush's war in Iraq. Abram Shulsky, who headed the Pentagon's Office of Special Plans, whose work was used to override professional CIA analyses in favor of war, was, like the war's primary intellectual inspiration, Under Secretary of Defense Paul Wolfowitz, as well as many other neoconservatives, an admirer of the late political philosopher and refugee from Nazi Germany Leo Strauss, who died in 1973. Together with Gary Schmitt, who heads the Project for a New American Century—the Washington think tank where the war strategy was originally conceived—Shulsky wrote an essay published in 1999 titled "Leo Strauss and the World of Intelligence (by Which We Do Not Mean Nous)." In it, the authors argue that Strauss's idea of hidden meaning "alerts one to the possibility that political life may be closely linked to deception. Indeed, it suggests that deception is the norm in political life, and the hope, to say nothing of the expectation, of establishing a politics that can dispense with it is the exception." Joseph Cropsey, a close friend and colleague of Strauss's at the University of Chicago, as well as the editor of his work, explains that in Straussian thought, a degree of public deception is considered absolutely necessary. "That people in government have to be discreet in what they say publicly is so obvious—'If I tell you the truth I can't but help the enemy.'"

However high-minded, the argument does not really convince. With few exceptions, Presidents lie largely not for the reasons above but for reasons of political convenience. The decisions to lie were bred of a fundamental contradiction at the heart of the practice of American democracy. American Presidents have no choice but to practice the diplomacy of Great Power politics, but American citizens have rarely if ever been asked to understand the world in those terms. As the dissident Kennedy-Johnson aide George Ball observed in 1967, "We have used the vocabulary and syntax of Wilsonian Universalism while actively practicing the politics of alliances and spheres of influence and it is now time that we stopped confusing ourselves with our political hyperbole." The result, more often than not, is that when deals must be struck and compromises made on behalf of large purposes, Presidents tend to prefer deception over education.

In a series of visionary works published in the early 1920s Walter Lippmann examined what he believed to be the necessary preconditions for the operation of a successful democratic republic—a competent, civic-minded citizenry with access to relevant details of public policy. He argued that the entire notion is dangerously utopian and ought to be shelved. At the heart of republican theory, in Lippmann's view, stood the "omnicompetent" citizen. "It was believed that if only he could be taught more facts, if only he would take more interest, if only he would listen to more lectures and read more reports, he would gradually be trained to direct public affairs." Unfortunately, Lippmann concluded, "the whole assumption is false." In truth, Lippmann argued, "public opinion" is shaped in response to people's "maps" or "images" of the world, and not to the world itself.

Mass political consciousness does not pertain to the actual environment but to an intermediary "pseudo-environment." To complicate matters, this pseudo-environment is further corrupted by the manner in which it is perceived. Citizens have only limited time and attention to devote to issues of public concern. News is

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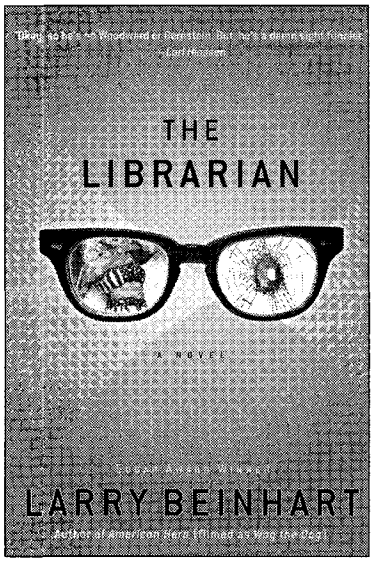

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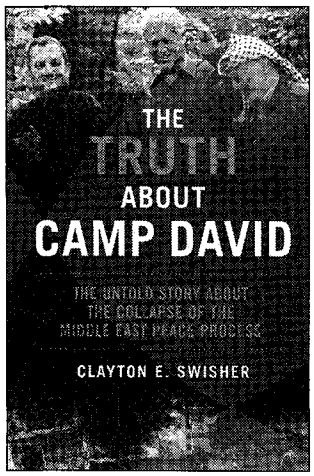

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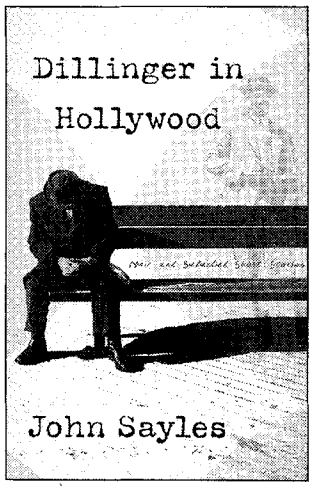

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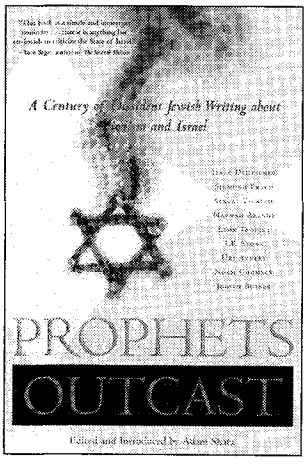

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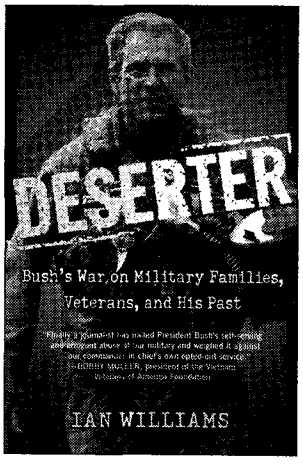

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designed for mass consumption; hence, the media must employ a relatively simple vocabulary and linear story line to discuss highly complex and decidedly nonlinear situations. The competition for readership (and advertising dollars) drives the press to present news reports in ways that sensationalize and oversimplify, while more significant information goes unreported and unremarked upon. Given both the economic and professional limitations of the practice of journalism, Lippmann argued, news "comes [to us] helter-skelter." This is fine for a baseball box score, a transatlantic flight or the death of a monarch. But where the picture is more nuanced, "as for example, in the matter of a success of a policy or the social conditions among a foreign people—where the real answer is neither yes nor no, but subtle and a matter of balanced evidence," then journalism "causes no end of derangement, misunderstanding and even misinterpretation." Here Lippmann was identifying a problem that has since increased in both time and scope, as media sensationalism and public apathy have increased exponentially since the publication of his prophetic work.

Lippmann's pseudo-environment is not composed only of the information we receive; it consists, in equal measure, of what Lippmann terms "the pictures in our heads." Voters react to the news through the lens of a personal history containing certain stereotypes, predispositions and emotional associations that determine their interpretations. We emphasize that which confirms our original beliefs and disregard or denigrate what might contradict them. Lippmann compares the average citizen to a blind spectator sitting in the back row of a sporting event. "He does not know what is happening, why it is happening, what ought to happen; he lives in a world which he cannot see, does not understand and is unable to direct." As a result, Lippmann lamented, democracy, in modern society, operates for only "a very small percentage of those who are theoretically supposed to govern." No one expects steelworkers, musicians or bankers to understand physics, Lippmann believed, so why should they be expected to understand politics?

John Dewey replied to Lippmann in the May 3, 1922, *New Republic* and later in an important though tendentiously written work, *The Public and Its Problems*, published in 1927. Dewey conceded that voters were not "omnicompetent"—that is, "competent to frame policies, to judge their results, competent to know…what is for his own good," and he passionately shared his republican hope that government could be formed to inspire generosity and civic-mindedness in the citizenry. But he disagreed with Lippmann's sanguine trust in the beneficence of elites. "A class of experts," he argued, "is inevitably so removed from common interests as to become a class with private interests and private knowledge, which in social matters is not knowledge at all." An expert shoemaker may know best how to fix a shoe, but only its wearer knows where it hurts. "Democracy must begin at home…and its home is in the neighborly community." Unfortunately, Dewey noted, "indifference is the evidence of current apathy, and apathy is testimony to the fact the public is so bewildered that it cannot find itself."

Taken together, these analyses provide at least a partial explanation for the constancy of presidential deception in American political life. On the one hand, Americans carry an unrealistic picture of the world "in their heads"—one based on their faith in their own divine direction, disinterested altruism and democratic bona fides rather than the realities of politics, force and diplomacy. But education has never lived up to Dewey's hopes, so Lippman's critique of the inherent inability of democracy to cope with complexity remains salient. These failures, moreover, are exaggerated in the American case by a particular distaste for the practice of power politics and media that have insufficient incentive to provide the basics of civic literacy to their audience. Even those Presidents with the best of intentions come to view deception as an unavoidable consequence of a system that simply cannot integrate the unpleasant realities of international diplomacy.

However preferable it might be to tell the truth, the short-term costs of lying, given that the culture seems to expect it, are negligible. And as Friedrich Nietzsche instructed, these temptations are virtually impossible to resist. While people may desire "the agreeable life-preserving consequences of truth, [they are] indifferent to pure knowledge, which has no consequences, [and are] even hostile to possibly damaging and destructive truths." The long-term costs of lying—at least at the moment the lie is being told—are almost always invisible. The ultimate costs for this easy calculation, however, are considerable, not only to the nation and to the cause of democracy but also to the aspirations and legacies of the Presidents themselves.

If history teaches us anything, it's that Presidents cannot lie with impunity about events that have serious ramifications for the country.

Whether this situation is remediable depends on one of two possibilities: Either future Presidents become convinced that the long-term cost of deception outweighs its short-term benefits, or the public matures to the point of seeking to educate itself about the need for complicated arrangements in international politics that do not comport with the nation's caricatured notion of itself as an innocent and benevolent force throughout the world. The obvious solution would be to convince US Presidents of the value of substituting a long-term strategic vision in place of their present-minded, short-term tactical views. But "nothing in politics is more difficult than taking the long view," notes the reporter Ronald Brownstein. "For politicians, distant gain is rarely a persuasive reason to endure immediate pain. Political scientists would say the system has a bias toward the present over the future. Parents might say politicians behave like perpetual teenagers. The problem, for politicians as much as teenagers, is that the future has a pesky habit of arriving."

The pragmatic problem with official lies is their amoeba-like penchant for self-replication. The more a leader lies to his people, the more he must lie to his people. Eventually the lies take on a life of their own and tend to overpower the liar. Lying may appear to work for a President in the short term, and in many cases it does. But a President ignores the consequences of his deception at his own political peril.

If history teaches us anything, it is that Presidents cannot lie

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about major political events that have potentially serious ramifications—particularly those relating to war and peace—with impunity. In almost all cases, the problem or issue that gives rise to the lie refuses to go away, even while the lie complicates the President's ability to address it. He must now address not only the problem itself but also the ancillary problem his lie has created. Karl Kraus once mused, with only slight exaggeration, that many a war has been caused by a diplomat who lied to a journalist and then believed what he read in the newspapers. The tendency for leaders to believe their own propaganda over time is one form of what first CIA agents and, later, political scientists have come to call "blowback." One feature of blowback is that its effects are almost always portrayed as unprovoked, often inexplicable actions, when in fact they are caused by actions initially taken by the government itself.

The point here is that in telling the truth to the nation, Presidents may often have to deal with complex, difficult and frequently dangerous problems they would no doubt prefer to avoid. But at least these are genuine problems that would have arisen irrespective of the leader's actions. This is, after all, inherent in the job description. But once a President takes it upon himself to lie to the country about important matters, he necessarily creates an independent dynamic that would not otherwise have come about, and we are all the worse for it.

Had FDR told the truth about Yalta to the country, it is far more likely that the United States would have participated in the creation of the kind of world community he envisioned when he made his secret agreements. John Kennedy's deception about the nature of the deal to which he agreed to insure the removal of Soviet missiles from Cuba also proved enormously detrimental to his hope of creating a lasting, stable peace in the context of cold war competition. Lyndon Johnson destroyed not only his ambitious hopes to create a "Great Society" but also his own presidency and most of his political reason for being. And Ronald Reagan, through his lies about Central America, created a dynamic through which his advisers believed they had a right to initiate a secret, illegal foreign and military policy whose aims were almost perfectly contradictory to the President's stated aims in such crucial areas as dealing with governments deemed to be terrorist.

Under President George W. Bush, Americans entered an era of politics in which the value of truth, for all practical purposes, became entirely contingent. Whether its citizens were aware of it or not, the presidency now operated in a "post-truth" political environment. American Presidents could no longer depend on the press—its powers and responsibilities enshrined in the First Amendment—to keep them honest. The death, destruction and general chaos that seemed ready to explode on a daily basis in Iraq following the US invasion seemed to be just one price that "reality" was demanding in return.

Presidents, Bush included, speak rhetorically of their commitment to tell the American people the truth no matter what. This is, of course, nonsense. The Bush Justice Department has even gone before the Supreme Court to argue its right "to give out false information...incomplete information and even misinformation" whenever it deems this necessary. This claim goes well beyond even the famous formulation that Arthur Sylvester, then

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a Defense Department official, offered on behalf of President Kennedy during the Cuban missile crisis: "It's inherent in [the] government's right, if necessary, to lie to save itself."

In a better world, future Presidents would learn the obvious lessons from the experiences of their predecessors: Protect legitimate secrets by refusing to answer certain questions, certainly. Put the best face on your own actions and those of the politicians you support, of course. Create a zone of privacy for yourself and your family that is declared off-limits to all public inquiry. But do not, under any circumstances, lie. ■

EXCHANGE
CONTINUED

(Continued From Page 2)
pend on the word of a few techno-experts rather than ordinary citizens.

Here in Boulder County, election officials were already committed to spending millions of dollars on DRE voting equipment (lacking transparency and verifiability) last year until citizens mobilized an outpouring of opposition. Local leaders of the Republicans, Democrats, Libertarians and Greens sent written statements opposing the purchase of touch-screen voting equipment. Citizens for Verifiable Voting suggested leasing optical scanners in conjunction with statistically significant hand-counting for confirmation. Unfortunately, the optical scanning equipment Boulder County purchased doesn't allow confirming hand counts, so we're stuck (mis)trusting the software.

Finally, I'd love to hear Dugger's thoughts on why so many government election professionals are so unapologetically sold on the electronic voting snake oil, which is unreliable, inaccurate and inherently lacking in transparency and verifiability. KELL CAREY

DUGGER REPLIES

Cambridge, Mass.

■ I celebrate Steven Hill's work for proportional and instant-runoff voting. Here, however, he celebrates an emerging disaster for democracy worldwide. Giving governments centralized control over computerized vote-counting invites the destruction of democracy everywhere it happens. People abroad who have turned over their vote-counting to their government's central programmers are gradually realizing that they are turning over their democratic power to the government itself. I am now investigating computerized vote-counting abroad and invite people who know about that (or can report serious situations here on November 2) to e-mail me at rdugger123@aol.com.

In May in Washington, Kay Maxwell, speaking officially for the League of Women Voters, told the Election Assistance Commission that "the paper trail system doesn't make sense" for the November 2 election. After a revolt in the chapters and a petition signed by 800 members, in June at the League's national convention, it endorsed "recountable" voting systems. Before I wrote my article, I'd seen a League press release denying that there had been a switch, but, trustworthy recountability being the exact characteristic the voter-made paper trail provides, I ignored that release. The League switched sides whether or not Maxwell denies it.

I am surprised by the uncivil tone of Michael Shamos's letter. Everyone I respect who knows him well regards him as an honorable scientist. He says I misquoted him when I reported, not in quotation marks, that he "once warned that computerized vote-counting is highly vulnerable to fraud." I did not misquote, but readers may judge for themselves. In an interview for my *New Yorker* article of November 7, 1988, when the Votomatic punch-card system was dominant but DREs were coming into use, among passages about the possibility of fixing national elections in computerized vote-counting, Shamos, who had three degrees in computer science from Yale, denied that a large number of people would have to be involved in a fix. "One. One person," he said.

> The way things are going, a national mechanism exists that could be manipulated by anybody, from a single individual to a nationwide conspiracy.... the mechanism is there to make it easy.... here's what we do. Working in a company headquarters, I'm writing some election software, which will be sent by Federal Express to jurisdictions in executable object code. I'm going to program this thing...to trade some votes, take them from other parties and dump them into the party that I want to win. So all the totals [of total votes counted] are going to be exactly right. I'm going to change ten percent of the votes, or five percent—some small number. And that software is going out to pivotal jurisdictions in the country. And that is going to shift the national election. It's easy for a programmer. And his superiors will never find it.... And this is a solo effort—one guy who happens to be well placed. Of course, many others are involved, but they don't know.

If some jurisdiction discovered the program didn't count correctly, "the programmer would simply say there had been a glitch on the tape... or some other technical mumbo jumbo. And we have an election, and the wrong guy gets elected."

Second, Shamos said, the vendors of the system might fix the elections for politicians for money. Or, he said, there might be "a break-in at the vending company." Computerized vote-counting, he said, occurs inside "a little black box" that "is completely under the control of the vendor, and if anything wrong happens we might never find out."

So, Shamos is going to tell us that's true of the punch-card systems but not the DRE systems—the machines just one of which will count 61 million votes on November 2? Come on. As he sees it now, the issue is "not whether voting systems are absolutely secure" but whether the experts can put enough barriers to fraud in the computerized systems to give voters confidence in the outcomes the computers print out. On that very—his chosen—issue, Shamos, who tested voting machines for Texas and Pennsylvania for twenty years, told lawmakers in Washington on August 23, according to the AP, that the system for "testing and verifying voting equipment in this country is not only broken, but is virtually nonexistent." That judgment damns the arrangements for testing and verifying all the voting machines, including the DREs. I prefer safeguards to prevent the stealing of paper ballots one or armfuls at a time to trusting anyone, anyone at all, to carry out safeguards to prevent the theft of an entire election in the vote-counting programs.

Patrick O'Neil's recommendation of a random manual recount of a random subset of voting machines is a good idea for systems using op-tech and punch-cards, but of course in DRE systems, on which 35 million votes will be counted on Election Day, there are no voter-made ballots to recount manually.

Kell Carey is right to emphasize the plethora of honest but serious errors in these systems and the near impossibility of finding malicious computer code even if you examine the source code, because of what the late voting systems specialist Robert Naegele described as "the polynomial problem," the vastness of the computer spaces involved.

Along with political reporters who until recently routinely have not reported on the vulnerabilities of our voting systems, state and local election officials bear heavy responsibility for the fact that our nation now faces an election in which 84 percent of the votes can be stolen in computers, and 3 out of 10 can't even be recounted.

To Carey's puzzlement about the glib obliviousness of election officials, I suggest a variety of explanations, which may apply in some, but not all, of the local jurisdictions: Gullibility. Arrogance. Ignorance. Laziness. Covering their asses. Intellectual dishonesty. Desire to fix elections themselves. And a cynical readiness to blame the critics of computerized vote-counting for the loss of voters' confidence, which the officials themselves, talking far too fast, have caused. RONNIE DUGGER

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COMMENT

(Continued From Page 8)

where no detail of presentation was left to chance, speakers remained relentlessly "on message" and the few outlets for dissent were as carefully choreographed as any Soviet-era festival of unity. One delegate who refused to join in the customary standing ovation following Prime Minister Tony Blair's speech and instead held up a sheet of paper saying I'M SITTING DOWN FOR PEACE was forcibly removed from the hall by police.

Outside the conference hall the news was dominated by the fate of Kenneth Bigley, the British engineer taken hostage in Baghdad. Inside, until the very last day, the Labour Party leadership stuck firmly to what might be called the Basil Fawlty doctrine: Don't Mention the War. Some 200,000 members (about half the party) have already quit, but Tony Blair's grudging act of contrition—"I can apologize for the information that turned out to be wrong, but I can't, sincerely at least, apologize for removing Saddam"—wasn't aimed at them. Nor was Shanaz Rashid's plea: "Please do not desert us in our hour of need." Rashid, an Iraqi Kurd who mysteriously arrived at the conference podium in the middle of the one, very brief scheduled debate on Iraq, may well have been intended as a counter to Bigley's brother, who'd appeared on Al Jazeera the previous day urging Blair to withdraw from Iraq. "We don't understand the criticism of your Prime Minister," Rashid told the delegates with an obvious sincerity only slightly undercut by her failure to mention the fact that her husband is a member of the current Iraqi provisional government.

Not that such histrionics were necessary. These were, after all, the people who hadn't left the party over the war. And the four big unions, who among them controlled 40 percent of conference votes (some of whom had passed their own motions calling for withdrawal of British forces), had already agreed to back the government on Iraq in return for promises on workers' rights and pensions during Labour's third term.

Indeed, it is the inevitability of that third term that, along with Labour's huge majority in the current Parliament, has contributed so much to the frozen, unreal air of British politics. The vast majority of the British people never supported going to war in the first place, yet once British troops commenced hostilities even Charles Kennedy, the Liberal Democrat leader who'd led parliamentary opposition to the war, fell in line behind the government.

Blair's presidential style has left Parliament itself looking more and more irrelevant. And the media—still smarting from the aftermath of the death of weapons expert David Kelly, over which minor errors in the BBC's reporting ended up costing both the BBC chairman and the director general their jobs—seem reluctant to challenge the government directly. Instead there is the usual partisan sniping, instantly discounted by both the government and the public, and the endless, obsessive soap opera of Blair's relationship with Chancellor Gordon Brown, his former rival and presumptive heir.

With the main stages of Parliament and the press off-limits, politics hasn't disappeared. Instead it has gone underground, surfacing in some bizarre places. Early last month a divorced dad in a Spider-Man suit climbed to the top of the giant London Eye Ferris wheel to protest unfair custody procedures—the same cause that saw a protester dressed as Batman scale the balcony at Buckingham Palace a few days later. On September 17 some 20,000 demonstrators filled the streets outside Parliament storming barricades and trading blows with police. Their cause? The government's decision to finally keep a campaign promise to ban fox hunting. Five of the pro-hunting activists managed to storm the Commons chamber itself, shouting slogans at astonished MPs until they were arrested by the sergeant-at-arms and his tailcoat-clad assistants (universally known as "the men in tights"). When debate resumed, the hunting ban passed by nearly 200 votes.

What matters is not the underlying politics—though the pro-hunting camp has some good libertarian arguments, their defense of "a way of life" rings hollow when so many of them cheered on Margaret Thatcher's destruction of Britain's coal mining communities, and not all of the caped crusaders are model fathers—but the impotent rage and the resort to spectacle. The one thing that unites hunt protesters and the antiwar movement is a sense of deep disenfranchisement. We can't vote Blair out—his surprise announcement, on the last day of the Labour conference, that he will resign at the end of his next term in office was a superb *coup de théâtre*, knocking Iraq and Ken Bigley clean off the front pages, as well as a reminder that Blair's power has become personal, no longer a gift of the party. And we can't vote for anyone who'll stop the war. It hardly seems worth going to demonstrations (which didn't stop the war anyway).

Instead we go to the theater, where our failures are reflected back to us as tragedy. There is a riveting moment in *Stuff Happens*, David Hare's new play at the National Theatre about the buildup to Iraq, when the actors playing Dick Cheney, Colin Powell and George W. Bush debate the usefulness of their British ally. "This guy is putting himself halfway between American power and international diplomacy," Cheney explains, the contempt in his voice practically choking him. "And sorry—that's a place where people get mashed." Powell argues that Blair "has been loyal from the start," but Cheney insists that "we don't need him." In the end, Bush agrees to go back to the United Nations—for Blair's sake: "If he's not pro-American, he's nothing. Look at it his way round. He's staked the house. He's not going

NATION NOTES

Washington editor David Corn has been named a fellow in the "Security and Liberty in the Post-9/11 Era" reporting program of the Institute for Justice and Journalism at the USC Annenberg School. *Nation* contributing editor Marc Cooper, a senior fellow at the institute, will also participate in the program, which begins in November.

Congratulations to contributing editor Jon Wiener and the ACLU of Southern California for winning a court order for the release of the last ten pages of John Lennon's FBI file. Wiener, author of *Gimme Some Truth: The John Lennon FBI Files*, sees a "strange but distinct resonance" between the order and the start of the Vote for Change concert tour (www.thenation.com).

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COMMENT

to quit. On the other hand, his government can fall."

Blair isn't going to quit—at least not yet. And the return of the unions to prominence means that, on domestic questions, a Labour government may have to deliver more than just a ban on fox hunting. But the war still overshadows all other questions here, and with no end in sight, no one can even say how much it will cost—in British lives, in British funds, in domestic spending deferred indefinitely. Loyalty is no substitute for power, and right now Britain, like the rest of the world, can only wait till November, and hold its breath. D.D. GUTTENPLAN

D.D. Guttenplan, who writes from The Nation*'s London bureau, would like to thank Glenda Jackson MP for her assistance in gaining admission to the Labour Party Conference.*

Union Makes Its Bed

On September 29 in San Francisco, 4,000 hotel employees—all members of the newly merged union UNITE HERE—walked out on strike or were locked out of their workplaces after their contracts expired. Other lockouts or strikes are expected shortly in Los Angeles and Washington, DC. Critical of the labor movement's fragmentation and weakness in the face of increasing corporate concentration, HERE's John Wilhelm and UNITE's Bruce Raynor, the two leaders who orchestrated the merger of their unions in July, are seeking to provide a model of what a stronger, more militant union can accomplish. This strike is the first major test of their strategy.

The decentralized structure of most national unions is a disadvantage in a world of gigantic national and international corporations. Earlier this year, for example, 60,000 United Food and Commercial Workers (UFCW) union members in Southern California ended a five-month strike against three national retail food chains, forced to accept what many viewed as an unfavorable deal. The local unions were successful at keeping their members and customers out of the Los Angeles–area stores but failed to hurt the stores' business elsewhere.

In San Francisco, UNITE HERE is resisting the hotels' demands to remove health coverage for more than 1,000 workers. It is also battling to keep fully funded pensions and to reduce heavy workloads. But the ongoing conflict is also about changing the balance of power between the union and employers. The union locals in San Francisco, LA and DC want their contracts to expire on the same timetable as those of locals in New York, Boston, Chicago, Honolulu and Toronto, which are set to bargain again in 2006. The locals will be in a far stronger position if they can negotiate their contracts with the national hotel chains simultaneously. The hotel chains, of course, want to keep the union at a strategic disadvantage with staggered contracts.

Today, few hotels are locally owned. The four largest companies—Marriott, Hilton, Starwood and Hyatt—account for 22 percent of total room sales in the industry nationwide. The union argues that there is no good reason why workers making beds and cleaning toilets in Los Angeles should make $11.02 an hour while their San Francisco counterparts make $15.09 an hour at the same chain. According to Maria Elena Durazo, president of UNITE HERE's Local 11 in Los Angeles, "We can't take on national corporations hotel by hotel, city by city, area by area."

UNITE HERE has spent several years preparing its members for this conflict. It patiently developed rank-and-file leadership cadres at each hotel, educated them about tourism industry economics and brought union workers from other cities to Los Angeles, San Francisco and Washington to express their solidarity.

Margarita Rubio, one of those rank-and-file workers, is not afraid of this fight. A housekeeper at the Regent Beverly Wilshire in LA, she made her way to California in 1981, fleeing what she calls "persecution from both sides" during the Salvadoran revolution. Rubio, a single mother, says she is "willing to sacrifice everything so that my daughter can go to college." Local 11 members recently voted by an 83 percent margin to authorize a strike.

The current three-city strategy is part of a bold plan by a new generation of labor leaders to mobilize their members through political action, community coalition-building and street protests. UNITE HERE's membership is composed largely of immigrants who are not afraid to struggle for a broad view of "citizenship" that includes workplace rights.

Wilhelm—who is often talked about as a possible successor to John Sweeney as AFL-CIO president—wants to see more consolidation of unions and more union resources spent on organizing new workers. The outcome of his high-stakes strategy may determine whether he can project himself as someone who can re-energize a diminished labor movement, which now represents only 13 percent of the nation's workforce.

To win this strike, it won't be sufficient for the workers simply to withhold their labor. The hotels can hire strikebreakers. The union is working to get customers to cancel reservations at targeted hotels because of concerns about poor service, fear of crossing a picket line or solidarity with the cause of helping low-wage workers. The national union and its local affiliates have worked for several years to forge alliances with a wide variety of religious, social justice and community groups, many of which have already canceled meetings and conferences, as have a number of trade associations and businesses.

Many labor experts view strikes as a last resort, an act of desperation after negotiations and compromises have failed. But UNITE HERE leaders know that powerful business and political forces rarely make significant concessions willingly. After being battered by plant closings, declining membership and political defeats, the American labor movement recognizes that if it does not grow, it will wither away. Unions must re-learn how to battle effectively. The new members and idealistic organizers who have flocked to UNITE HERE and other activist unions signed up for a good fight. They, and their religious and community allies, have now got one.

KELLY CANDAELE AND PETER DREIER

Kelly Candaele is a writer and president of the Los Angeles Community College Board of Trustees. Peter Dreier is professor of politics and director of the Urban and Environmental Policy Program at Occidental College.

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BOOKS & THE ARTS

Liberal Hawk Down

ANATOL LIEVEN

THE FIGHT IS FOR DEMOCRACY: Winning the War of Ideas in America and the World.
Edited by George Packer.
HarperCollins. 304 pp. Paper $13.95.

PROGRESSIVE INTERNATIONALISM: A Democratic National Security Strategy.
By Ronald D. Asmus et al.
The Progressive Policy Institute.

The failure of the Democratic Party to oppose the Bush Administration's push for war in Iraq may have doomed its chances in the 2004 elections. It exposed John Kerry to the jeering shrieks of "flip-flop" heard at every Bush rally—and not wholly unjustly, it must be said. From whatever mixture of fear and opportunism, many Democrats who at heart opposed the war reckoned that the wave of mass nationalist fervor that followed 9/11 made such a stance politically unviable in 2002–03.

But it would be unfair to accuse the Democratic foreign policy establishment as a whole of acting cynically. For there exist within that establishment powerful groups that shared and continue to share not only the Administration's case for war but most of the neoconservative philosophy and agenda in international relations. Some of these Democrats—particularly "liberal hawk" intellectuals—contributed considerably to building the public case for war.

The liberal hawks firmly believed that the Iraq war was both a humanitarian intervention and an important front in the "war on terrorism," even if they made no secret of their distrust of the Administration waging it. Nor have they been held to account for their views, even as the neoconservatives rightly take a beating for the war. Bizarrely, the liberal hawks continue to advance their approach as a radical Democratic alternative to Republican policies. In fact, they are taking the same route as the Scoop Jackson Democrats three decades ago, most of whom traveled via neoconservatism into the Republican Party.

Today, the Democratic Party should encourage these figures to take the same route to the Republican Party as their Scoop Jackson predecessors, but much more quickly, and give them a strong push along the way. For as long as they continue seriously to influence Democratic thinking, they will make it much more difficult for the Democrats to emerge as a clear foreign policy alternative to the Republicans, and much more difficult for a genuine national debate on foreign policy to take place in the United States—particularly when it comes to strategy in the Middle East and the war on terrorism.

The liberal hawks played an important role in building the case for the Iraq war, yet they have not been held to account for their views.

To rid the Democratic Party of their influence, however, will be extremely difficult, since the style of messianic and muscular national liberalism they represent has deep roots both in the history of the Democratic Party and in American political culture. In the context of the war on terrorism, the argument that "democratization" of the Middle East constitutes a genuine and viable US political strategy also provides an all too convenient way for the Democratic establishment and the liberal hawks to sidestep the charged question of Israel and US support for Israel.

One of the philosopher kings of the liberal hawks is Paul Berman, still in his own self-description a "man of the Left." In a *New York Times* op-ed of April 15, 2004 ("Will the Opposition Lead?"), he argued that only the Democrats can "achieve what Mr. Bush seems unable to do." While scolding the Bush Administration for its "incoherence," he defended the Iraq war as "a logical place to begin" the "war on terror-

Anatol Lieven is a senior associate at the Carnegie Endowment for International Peace in Washington. This essay is adapted from his next book, America Right or Wrong: An Anatomy of American Nationalism, *to be published this month by Oxford University Press.*

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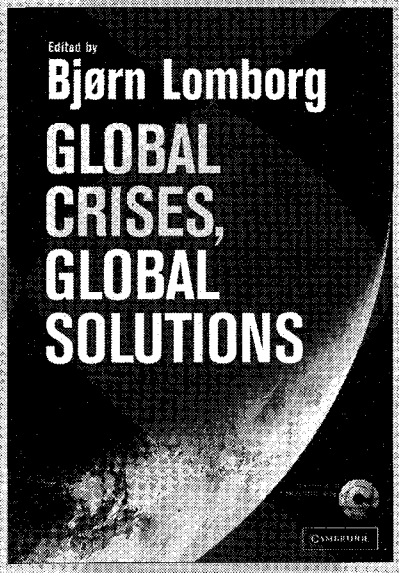
CAMBRIDGE

From the author of the controversial *The Skeptical Environmentalist*...



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ism," which he characterized as a battle against "totalitarianism" in the Arab and Muslim world. For liberal hawks like Berman, the problem with the Iraq war is not so much the invasion and occupation as its execution.

What the Bush Administration fails to appreciate, according to Berman and other like-minded writers whom George Packer has assembled in the collection of essays *The Fight Is for Democracy*, is the importance of ideas in the war on terrorism. In their view, the war with radical Islam is an analogue (and, in Berman's stronger formulation, an extension) of the struggle against totalitarian Communism and, before that, Fascism. Just as the United States and its allies prevailed in the cold war by promoting liberal ideas—and not just by direct military intervention and proxy wars—so, they argue, the US government must fight for the hearts and minds of the Muslim world through culture, and not just on the battleground. (It should be said that Packer's own views, as expressed in his reports from Iraq for *The New Yorker*, are considerably more sophisticated than those of most of his contributors.)

The liberal hawks are partly right: Ideas are critical both to stemming the tide of Islamist revolution and its terrorist offshoots and to maintaining the unity of the West. But the approach they advocate all but insures American defeat, for reasons that should be all too apparent from the unfolding debacle in Iraq. These reasons are fourfold, and closely interconnected: (1) The approach lumps together all Muslim forces critical of the United States and Israel into one hostile and ideologically united camp; (2) it ignores the critically important role of local ethnic feeling not only in hostility to the United States but in the historical processes of democratization and modernization across much of the world; (3) it turns a blind eye to Israeli crimes; and (4) it treats America's allies as useful but contemptible idiots whose views and interests need not be seriously considered.

Berman's central argument in his book *Terror and Liberalism* is perhaps the most historically illiterate and strategically pernicious of all the lines advanced by liberal hawks and their de facto allies on the right. This is the suggestion that secular radical Arab nationalism and Islamic fundamentalism are essentially the same phenomenon, since both are supposedly expressions of an antiliberal, totalitarian international ethos and tradition stemming originally from the Europe of Fascism and Communism. "The Baathists and the Islamists were two branches of a single impulse, which was Muslim totalitarianism—the Muslim variation on the European idea," he writes. The "global war on terror" is therefore a continuation of America's past struggle against Nazism and Communism. In Berman's view,

> The totalitarian wave began to swell some 25 years ago and by now has swept across a growing swath of the Muslim world. The wave is not a single thing. It consists of several movements or currents, which are entirely recognizable. These movements draw on four tenets: a belief in a paranoid conspiracy theory, in which cosmically evil Jews, Masons, Crusaders and Westerners are plotting to annihilate Islam or subjugate the Arab people; a belief in the need to wage apocalyptic war against the cosmic conspiracy; an expectation that post-apocalypse, the Islamic caliphate of ancient times will re-emerge as a utopian new society; and a belief that meanwhile, death is good, and should be loved and revered.

By dating the start of this "wave" to twenty-five years ago, Berman identifies it temporally with the Iranian revolution. This was, of course, a Shiite revolution in a Persian land, fed by Iranian nationalism; yet Berman attributes to this wave an Arab identity. Baath Arab nationalism began more than four decades earlier. It has absolutely no interest in restoring the "Islamic caliphate of ancient times." This is indeed the dream of Al Qaeda and its Islamist allies, but the Baath is dedicated to creating one modern, united Arab nation under the quasi-Fascist rule of the Baath Party. In other words, with the exception of a common hostility to Israel, this whole picture is a farrago of nonsense. Daniel Ellsberg has written that one central problem for the United States in Vietnam was that there wasn't a single senior or middle-ranking US official who could have passed an elementary exam in Vietnamese history and culture. The American government today has no lack of Middle East experts in the State Department and the CIA; indeed, many predicted the disaster in Iraq well before the invasion. The problem is that the ranks of the US intelligentsia are packed with pseudo-experts who are willing to subjugate the most basic historical facts to the needs of their ideological or nationalist agendas.

Berman, this "man of the Left," offers a portrait of "Islamic fascism" that is hardly distinguishable from that of such hard-line right-wing members of the Israeli lobby as Daniel Pipes. In terms of historical literacy,

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the argument is the equivalent of suggesting that because nineteenth-century European socialism and clerical conservatism shared a deep hostility to bourgeois liberalism, they somehow formed part of the same ideological and political tendency. In terms of strategic sense, it is equivalent to an argument that the United States and its allies should have fought Nazism and Soviet Communism not sequentially, but simultaneously. This strategy was indeed promoted by Churchill in the winter of 1939–40. If it had been followed, it would have insured Britain's defeat and a dark age for the world.

In other words, this "analysis" deliberately promotes and justifies the most dangerous aspect of the Bush Administration's approach to the war on terrorism: the lumping together of radically different elements in the Muslim world into one homogeneous enemy camp. As we can see in Iraq, this has been a magnificently successful example of a self-fulfilling prophecy. It has created a perfect situation for Al Qaeda and its allies, on a scale they could never have achieved without massive US help.

Of course, as far as the Baath tradition is concerned, the existence of a strong inspiration by European Fascist thought is not in doubt. It was explicit in the original Baathist ideological writings, and especially that of the Syrian Michel Aflaq, one of the founders of the Baath Party. But Aflaq was a Christian Arab, and his pan-Arab nationalism, though violent, racist and extreme, was also secular and modernizing. He believed religion, whether Islamic or Christian, had no place in Arab politics.

In both Iraq and Syria, the overall tone of Baathism remained secular. In this, the Baath were following the original Italian Fascist model. The Fascists had their roots in bitterly anticlerical Italian radical nationalism, Mussolini himself having been a Socialist leader until the First World War. When in power, like Saddam Hussein's Baath in the 1990s, the Italian Fascists made pragmatic deals with religion in the form of the Catholic Church; but in Italy and Germany, Fascism was never in any sense influenced by or close to the Christian religion. This does not, of course, make the Baathists or the Fascists more likable. It does make them very different from the forces of political religion.

Like their Fascist predecessors, on the one hand, the Baath ideologues have regarded religious allegiances and beliefs as backward, superstitious obstacles to modernization and development. On the other, they have seen them as fomenters of sectarian discord in what should be the united Arab nation. This ideological stance underlies the ferocious persecution in the past of the Islamists in Baathist Syria and Iraq, and the bitter hatred between the Baath and the fundamentalists. Of course, both the Baath and the fundamentalists have been hostile to the West and Israel, but for largely different reasons. In the case of the Baath, this reflects first and foremost secular pan-Arab nationalism. Islamist radicals for their part often draw strength from local ethnic and national resentments, whether Kashmiri, Chechen, Pashtun, Palestinian or Sunni Iraq Arab; but their central allegiance is always to the idea of the undivided *umma*, or transnational community of all (or, for Al Qaeda, right-thinking Sunni) Muslims.

By refusing to make this basic distinction between Arab nationalists and Islamists, Berman demonstrates the same disastrous, willful ignorance that led the Bush Administration into Iraq in the belief that by overthrowing the Baath they would also strike a mortal blow at Islamist terrorism. This applies with even greater force to the failure of Berman and others to make the critical distinction between Shiite and Sunni Islam, and between the different national agendas of Iran and various Arab states.

It is bad enough that most of the American public is incapable of making this distinction, without the error being actively encouraged by so-called experts. In consequence, the Bush Administration may be stumbling toward an attack on Iran's nuclear program that could have the most disastrous consequences for Iraq, Afghanistan and the entire American position in the Middle East—without even a truly serious national debate taking place in the United States on the subject of US-Iranian relations.

This brings me to the parallel drawn by Berman, Pipes and others between the war on terrorism and the cold war. There are indeed very useful lessons to be learned from the cold war, but they are diametrically opposed to the ones presented by these authors. The cold war was indeed an ideological struggle waged across much of the world against a range of "Communist" opponents. These opponents, however, differed immensely among themselves, and a belated recognition of this was central to America's eventual victory.

The Communist movements all shared a basic ideological hostility to Western capitalism but differed greatly in their degrees of ideological fanaticism and in their different and often mutually hostile national sentiments and interests. A good many Communists either started as enemies of the United States and then became allies, or need never have been enemies in the first

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place, as in Ho Chi Minh's case. American policy toward Vietnam was characterized by the demonization of all Communists as irredeemably fanatical and hostile to the United States, the imposition on an alien culture and tradition of rigid American ideological paradigms uninformed by serious local research, and the lumping of all Communists into one undifferentiated enemy camp. We know the consequences.

Given the threat posed by Al Qaeda and its Sunni extremist allies to virtually every state and elite in the Muslim world, and given the savage divisions between these forces, the Shiite tradition and secular Arab nationalists like the Baath, there was a cornucopia of opportunities after September 11 to seek Muslim allies in the war on terrorism. From this point of view, for the Bush Administration to have succeeded in uniting Shiite radicals, Baath die-hards and Sunni extremists in Iraq; to have invaded Afghanistan and Iraq while simultaneously threatening Iran and Syria; and to have alienated both Turkey and Saudi Arabia—this almost defies description. It is a kind of baroque apotheosis of geopolitical cretinism.

The Bush Administration has sought to develop a political strategy—or at least the appearance of one—to accompany the war on terrorism, and has called it "democratizing the Middle East." In line with their own liberal messianism, and belief in a "struggle of ideas" as a central part of the war on terrorism, this "strategy" has also been espoused by Berman and most of the other authors featured in *The Fight Is for Democracy*. I place "strategy" in quotation marks, for rather than a serious approach to the region, its problems and pathologies, this approach is rather something between a Potemkin facade and a deliberate diversionary tactic.

It has been suggested that in accordance with the view of the war on terrorism as a struggle against totalitarianism, useful parallels can be drawn between this strategy of "democratization" and the Helsinki process in Eastern Europe, which did something to undermine Soviet rule there. But these parallels overlook one rather important fact, which both "experts" like Berman and the majority of even the most educated Americans appear to be incapable of recognizing: In the view of most ordinary Arabs, the role the United States is playing in the Middle East is closer to that of the Soviet Union in Eastern Europe than to that of a liberating force. And given the history of US (and British) involvement in the region over the past fifty years, Arabs have excellent grounds for this view.

The "strategy" of democratization has also been adopted by the Progressive Policy Institute and the Coalition for a Progressive Internationalism. This is a group of liberal hawks, devoted in domestic politics to a Blairite "third way," who in October 2003 produced a set of proposals titled "Progressive Internationalism: A Democratic National Security Strategy." The signatories included Ron Asmus, Kenneth Pollack, Michael McFaul and Philip Gordon. Most supported the Iraq war.

The language of democratizing the Middle East, and the liberal hawks' brand of internationalism, are very attractive to the Washington political elites and indeed to many ordinary Americans, for they are rooted in what has been called the "American Creed" (a term coined by G.K. Chesterton and since employed by a range of writers from Gunnar Myrdal to Samuel Huntington). The American Creed involves passionate and absolutist belief in democracy and "freedom," and is a critical element in American civic nationalism. Language derived from the creed therefore has a tendency to command the automatic and unthinking assent of many Americans, irrespective of the particular national, regional or historical circumstances.

The diversionary element in the "democratization" line on the part of both Republican and Democratic policy elites relates to the Israeli-Palestinian conflict, and the US role in it. A truly intelligent and rational American strategy for the war on terrorism would require a wholly new approach to this conflict. The new strategy would have to involve a very different approach to the terms of the US-Israeli relationship and a drastic diminution of hardline Israeli influence in Washington. This in turn would permit another essential part of a rational strategy, which would be the active pursuit of reconciliation with Iran and Syria. Finally, a US and European strategy that truly took the Islamist and extremist threat seriously would require vastly increased economic assistance to various parts of the Muslim world, coupled with the genuine opening of both US and European markets to their exports. Yet the sums envisaged for the "Greater Middle East Initiative" are paltry compared with those spent in strengthening South Korea, Taiwan and Thailand against Communism from the 1950s to the 1970s.

These are, of course, all steps that would be very difficult for any US administration to take. They would be bitterly unpopular with many Americans, and would face determined opposition in Congress. How much easier, then, to evade these issues by making cost-free speeches about how democracy is the answer to every problem.

What is strange and well-nigh surreal is that the liberal hawks profess to believe that the gospel of muscular liberal democracy represents a radical alternative to the publicly expressed strategy of the neoconservatives and the Bush Administration. Thus, in his contribution to *The Fight Is for Democracy*, Michael Tomasky declares:

> The hard part is backing up the critique [of the Republicans] with an alternative vision. That, too, should be simple, and for consistency's sake it should follow from the critique: The world's leading democracy should support...democracy. The Cold War is over; the twentieth century, the century in which all the "isms" became "wasms," is over; it's the twenty-first century; the United States should declare it to be—American liberals should declare it to be—the century of democracy.... Picture a Democratic president, or even a presidential candidate, making such a case forcefully on the world stage.... There will be initial resistance, but ultimately, who can afford to buck the United States? The world will start, in its lumbering petulant way, to change.

In another example of confluence with neoconservative positions, two signatories of the "Progressive Internationalism" manifesto, Michael McFaul and Larry Diamond of the Hoover Institution, have called for the toughest possible US policy toward Iran, rejecting engagement in favor of regime change and democratization—thereby aligning themselves with neoconservative hard-liners and the Israel lobby, and against both Colin Powell's State Department and the views of leading European allies, including Britain.

Somehow, all this is said by its Democratic exponents to be compatible both with "multilateralism" and with the provision of a clear alternative to Republican strategy. In fact, it is often impossible to see any substantive difference. Thus Tomasky echoes not only the messianic democratizing rhetoric of the neoconservatives but also their ostentatious contempt for "the world."

McFaul's proposal for US world strategy is arguably even more radical than the Bush Administration's 2002 National Security Strategy. In his words:

> The United States cannot be content with preserving the current order in the international system. Rather, the United States must become once again a revisionist

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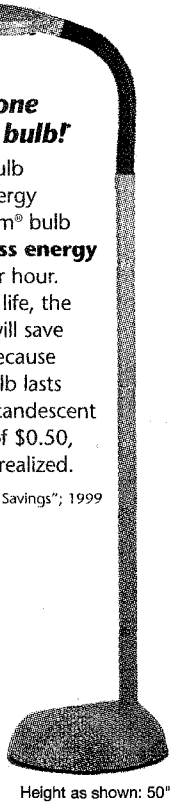

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> power—a country that seeks to change the international system as a means of enhancing its own national security. Moreover, this mission must be offensive in nature. The United States cannot afford to wait and react to the next attack. Rather, we must seek to isolate and destroy our enemies by eliminating their regimes and safe havens. The ultimate purpose of American power is the creation of an international community of democratic states that encompasses every region of the planet.

It is true that the vision of the Democratic "progressive internationalists" differs from that of the American nationalist right on a range of other vital international issues, including the environment, foreign aid and various international treaties. And if actually implemented—a quite dubious possibility, given the past record of the Democratic Party in Congress with regard to these issues—such policies would not only be very good in themselves but would go far toward improving the entire atmosphere of relations between the United States and Western Europe in particular. However, when it comes to the specific issues of the conduct of the war on terrorism, and the use of force to improve the world, the "progressive internationalists" present no real alternative to Bush Administration policies. Rather, like the neoconservatives, they represent a form of liberal imperialism, of a kind that characterized much of the liberal scene in America and Europe a century ago. In the meantime, however, the historical circumstances have changed utterly. The liberal imperialists were explicitly antidemocratic. They believed that, at best, it would take generations of Western authoritarian rule before the "lesser breeds" they conquered could develop a capacity for constitutional self-government. They would have regarded as utterly ludicrous the idea that rapid "freedom and democracy" could be introduced by Western military force.

The whole democratizing project, as espoused by the liberal hawks and the neoconservatives, is therefore inherently contradictory; and this contradiction is apparent from the very language they use. From the neocons, as Seymour Hersh has reported in *The New Yorker*, professed support for Arab democracy is mixed with statements that "the only language Arabs understand is force" and that they can be manipulated by sexual shame. But the liberal hawks too combine professed belief in democracy with an openly macho nationalist contempt for the opinions of every other country and its inhabitants.

This is clear in the passages I've quoted by Tomasky and McFaul. America "eliminates" the enemies of liberty. It declares unilaterally what it wants, and the rest of the world has to follow, for "who can afford to buck the United States?" The "world" is, however, seen as inevitably responding "petulantly," thereby delegitimizing any criticism and demonstrating yet again the need for firm American command over the whining and useless dregs who make up the rest of humanity.

It may be objected that whatever the political provenance of the idea, surely a strategy of democratization is in itself a good thing. And as the ultimate goal of the United States and European strategy in the Muslim world, this is true. But when this becomes the only goal and the only strategy, and when the understanding of the historical development of democracy is extremely simplistic, then this approach is very wrong. Its encouragement of a messianic vision of the United States and its role in the world fuels self-righteous nationalist extremism in America itself. Such attitudes openly despise the interests and views of other nations.

In particular, the authoritarian nature of most states in the Arab and Muslim world is used as an excuse to dismiss out of hand not only the views of their rulers but those of their peoples—with potentially catastrophic results for the struggle against Islamist terrorism. More widely, this messianic attitude leads to a curious but historically familiar mixture of rampant idealism and complete absence of charity, in the wider biblical sense. C. Vann Woodward warned of this danger during the Vietnam War:

> The true American mission, according to those who support this view, is a moral crusade on a worldwide scale. Such people are likely to concede no validity whatever and grant no hearing to the opposing point of view, and to appeal to a higher law to justify bloody and revolting means in the name of a noble end. For what end could be nobler, they ask, than the liberation of man.... The irony of the moralistic approach, when exploited by nationalism, is that the high motive to end injustice and immorality actually results in making war more amoral and horrible than ever and in shattering the foundations of the political and moral order upon which peace has to be built.

As Woodward indicated, this attitude encourages contempt for and hostility to states; not only particular states but the great majority of states that do not conform to American standards of democracy and economic success; and even those that do, like the ones of Western Europe, can be damned for being too cowardly, cynical and decadent to support America's courageous and idealistic mission to the world. This hostility represents a grave threat to US strategy in the war on terrorism.

A central question raised by James Mann in his book *Rise of the Vulcans*, and in my own forthcoming book, is why the Bush Administration and so many American citizens have been so obsessed with the alleged threat from states that have a tiny fraction of American power and can also be deterred by the threat of massive retaliation. In Iraq, this attitude has led the Administration to destroy a state that, though savagely oppressive, posed no serious threat to the United States. In the place of Baathist Iraq the Bush Administration and its supporters have created a brutal anarchy that is the ideal breeding ground for terrorists who really do pose a dreadful threat to the United States.

This hostility to authoritarian states—even those that have been very successful in improving the lives of their peoples—is, naturally, generally shared among liberals in the Western NGO world. It is reflected, for example, in the precepts of Michael Ignatieff's recent work. The risk is that it can bring liberals together with imperialists of the neoconservative type in an alliance that much of the world is bound to see as highly reminiscent of the alliance between Christian missionaries and Western imperial soldiers in the nineteenth century. Despite their often genuine idealism and good intentions, the missionaries in the last resort depended on the soldiers, and had to abide the colonial orders that the soldiers created, however much these conflicted with Christian ethics.

The missionaries, and their democratizing descendants of today, would have done better to remember a certain Christian adage about the man who dines with the devil needing a long spoon. The liberal hawks in particular have failed to bring such a spoon to their relationship with the policies of the Bush Administration and the neoconservatives, and in consequence they are in the process of becoming dinner themselves. At present, the liberal hawks' legs are still sticking out of the neoconservatives' collective mouth, kicking faintly, but in a few years, at this rate, only a pathetic, muffled squeaking will remain, protesting that if only they had been in charge, all the disasters of the coming years would not have happened. ■

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Crimes against humanity must be dealt with swiftly and justly, in accord with international law and without violating or curtailing civil rights. Peace will be attained through diplomacy, commitment to human rights, and by reducing the gulf between the rich and the poor. The Patriot Act must go, and a Department of Peace must be created. We will end weapons sales to repressive governments, and will demand compliance with UN resolutions as a starting point for peace negotiations.

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ENERGY INDEPENDENCE

Turn the tide of global warming and assure a safe, uninterrupted supply of energy by drastically reducing fossil fuel use and supporting production of decentralized, renewable energy sources. Fund the rapid shutdown of nuclear power plants; include funds for retraining displaced workers. Jumpstart the renewables market through investment policies. Restore conservation measures, including meaningful automobile fuel efficiency standards.

CORPORATE REFORM

Mandate corporate accountability. End corporate personhood. Get a fair share of taxes from corporations and stop corporate flight to off-shore tax havens. End corporate welfare as we know it. Eliminate trade treaties like GATT, NAFTA, and FTAA: they are abominations that undermine national sovereignty. Implement new treaties that protect communities, business, labor, the environment, and national sovereignty. Require rigorous clinical safety and environmental impact testing of pharmaceutical and cosmetic products.

FAIR TRADE, FAIR LABOR

Abolish slave labor and the corporate practice of paying sub-poverty level wages. Refuse trade where sweatshop or prison labor is involved. Protect workers' right to organize; repeal the Taft-Hartley Act. Reform the tax code to promote sustainable productivity. Tax unearned wealth before income. Develop jobs programs and an inviolable social safety net to protect people during low points in the economic cycle.

PREVENTIVE SOCIAL SPENDING AND POLICIES

End the failed War on Drugs and fund prevention and treatment. Fund public education for all, including vocational and post-secondary schooling. Provide equal opportunity for minorities and women. Abolish the death penalty. Make restitution to historically oppressed groups by providing funding for infrastructure in minority neighborhoods and by committing to eradicating institutionalized racism. Bring back the Equal Rights Amendment. Protect a woman's right to control her own body.

PREVENTIVE FOREIGN SPENDING AND POLICIES

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SURVIVAL OF THE PLANET

Sign the Kyoto protocol, and adhere to it. Strengthen and enforce environmental regulations. Restore the Clean Air Act standards on coal-generating emissions. Fund studies to identify, and eliminate, the environmental causes of cancer. Fully fund the Toxic Waste Superfund through renewed corporate taxation. Ensure the health of the planet for survival's sake, and to ensure the health of human beings today. Outlaw patenting of genetically engineered life forms. Include pollution remediation costs in production costs ("eco-taxing"), and phase out *non-sustainable production. Repeal the Price-*Anderson Act.

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Rhythm Nation

ANN LOUISE BARDACH

CUBA: A New History. By Richard Gott. Yale. 384 pp. $35.

LAST DANCE IN HAVANA: The Final Days of Fidel and the Start of the New Cuban Revolution. By Eugene Robinson. Free Press. 272 pp. $25.

CUBA AND ITS MUSIC: From the First Drums to the Mambo. By Ned Sublette. Chicago Review. 672 pp. $36.

Since Fidel Castro's brief fainting spell during a speech in June 2001, Miami, Havana and Washington have been caldrons of feverish speculation on his succession and the politics of a post-Castro Cuba. Castro's designated successor is his 73-year-old brother Raul, who, Miami hard-liners scoff, would not last a day in power. The British journalist Richard Gott makes the case in *Cuba: A New History* that the younger Castro, whose official roles include being first Vice President of Cuba and its Minister of Defense, would nimbly survive the transition to power. Among his advantages is the fact that it is his army, the Revolutionary Armed Forces (FAR), that carries out much of the day-to-day business in Cuba, even running the farmers' markets and tourism through its company, Gaviota. Gott doesn't mention it, but the chief of Gaviota, Luis Alberto Rodríguez, is married to Débora Castro Espín, Raul's daughter. Earlier this year, another son-in-law was named to head the Ministry of Tourism, giving Raul Castro's inner circle total control of tourism, the number-one source of revenue for the island.

A coup is unlikely, as the Castro brothers have already assiduously weeded out any suspected dissident elements from the military, and only Raul has been entrusted with the succession plan. In the event of a sudden illness or the death of Fidel Castro, according to one former official, all members of the Politburo have been instructed to report immediately to their homes, where they are to remain until contacted by Raul Castro with further instructions. Should Raul decide to use brute force to maintain the status quo, he is well positioned to do so.

Gott is correct in his claim that the younger Castro's clout does not stem solely from his military might. Contrary to popular opinion, Raul Castro has been an advocate of freer markets and economic reforms within the government. Once a Communist zealot, he has leavened his philosophy with pragmatism in the past decade; but he has his own health problems, stemming from periodic alcoholism—and possibly, according to "Radio Bemba," Havana's efficient word-of-mouth information system, from a bout with colon cancer.

Early in his book, Gott tells us he first visited Havana in 1963 armed with letters of introduction from historian Hugh Thomas, who wrote his groundbreaking 1,700-page opus on the history of Cuba in 1971, updated in 2001. Which immediately raises the question: Do we need another history of the same Caribbean island that garners as much ink as all the countries in the Southern Hemisphere combined? The short answer is no, but Gott does bring some new things to the table, including new source materials, and he offers a more compact and arguably more accessible history than Thomas's. His work has also benefited from the friendly cooperation of many Cuban officials.

Unfortunately, Gott's soft spot for leftist Latin American *caudillos* (most recently Hugo Chávez, the subject of his previous book, a wide-eyed account of the Venezuelan revolution) is in evidence by page 3, when the author encounters Che Guevara at the Soviet Embassy in Havana. "Guevara strode in after midnight, accompanied by a small coterie of friends, bodyguards and hangers-on, wearing his trademark black beret, and with his shirt open to the waist. He was unbelievably beautiful ...[and] had the unmistakable aura of a rock star." No one denies Guevara's good looks and charisma, but he was also responsible for some of the worst excesses of the Cuban Revolution, including scores of summary executions. Che's brutality merits only one sentence—much later—in the text. This fairly consistent bias marks most of the chapters dealing with Castro and his revolution. Sometimes Gott is spot on, but too often one cringes, as when he lauds Castro's hand-groomed foreign minister, Felipe Perez Roque, who is as unpopular as he is sycophantic. Perez Roque, writes Gott, is a "sure hand at foreign affairs, sustaining Cuba's extraordinary worldwide support." What international support could he be referring to? Cuba has endured repeated condemnations in the United Nations, has been barred from the Organization of American States for decades and these days has barely been on speaking terms with Mexico, its longtime historic ally.

Gott fares considerably better with Cuba's earlier history. He argues that the island's Indian roots and influences are more profound than many believe. Most chroniclers—and successive Cuban governments—have long argued that the conquistadors wiped out Cuba's Tainos and Siboneys, thus creating a pure Afro-Cuban culture based strictly on black slaves and the conquering Spaniards. I have always found this fairly compelling, as Cubans are decidedly different in appearance from Central America's mestizo population. And I was always struck by the naming of one of Cuba's largest provinces and its capital as Matanzas—meaning massacres, said to refer to the slaughter of Indians that occurred. Still, Gott makes a convincing case for the survival and contributions of Indians in Cuban life.

In short supply in Gott's book are the various perspectives of Cuba's exiles—no small oversight, as about one-tenth of the population has fled. Also, we do not get a clear sense of the complex and crushing triangulation among Castro, exiles and US politics. In May, just in time for the 2004 election season, the Bush Administration announced its new policy on Cuba—drafted by a handpicked team of hardliners. The new policy virtually ends all educational travel to Cuba, slices remittances to relatives on the island and limits family visits for exiles from one per year to one every three years. Travel is now limited only to parents and children, with aunts, uncles and cousins no longer considered "family"—a blow to most Cubans, who value extended families.

Around the same time, Americans learned how their tax dollars earmarked for the "war on terrorism" were being spent. A Treasury Department report noted that it employed four investigators to hunt for the funds of Osama bin Laden and Saddam Hussein as opposed to twenty-one to chase after Cuba embargo violators.

Among those prosecuted have been a 75-year-old grandmother from San Diego who

Ann Louise Bardach, who covers Florida politics for Slate, *is the author of* Cuba Confidential: Love and Vengeance in Miami and Havana *(Vintage) and editor of* Cuba: A Traveler's Literary Companion *(Whereabouts).*

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In 1952, long after the controversy over new coin designs and clashing egos had faded from the public's memory, the coin that was supposedly too difficult to strike turned up in a Cairo vault. It was a single pattern coin for the 1907 $20 Gold Double Eagle that had been secretly purchased by Egypt's King Farouk — a playboy monarch whose counted coin collecting among his many hobbies. A voracious coin collector, Farouk amassed one of the world's most valuable coin collections. But since he was using money from the Egyptian national treasury to do it, he made all his purchases secretly. When he was deposed in 1952, the new government put his collection on the auction block. The appearance of the Saint-Gaudens pattern $20 gold piece sent shock waves through the coin world. Where had it come from? The answer can now be revealed: Charles Barber, who had balked at striking the coin every step of the way, had struck one specimen for himself back in 1907, pocketed it and quietly sold it to a collector years later!

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took a bicycling trip in Cuba, an Indiana Christian academy teacher who delivered Bibles there and the son of missionaries who traveled there to spread his parents' ashes at the site of the church they founded fifty years ago. Since 1990 OFAC, the Treasury division charged with handling sanction violations, had investigated only ninety-three cases related to terrorism and, since 1994, had collected $9,425 in related fines. This compared with 10,683 cases against travelers to Cuba, for which $8 million in fines was collected. In an unguarded interview in *GQ* magazine, Colin Powell's chief of staff, Larry Wilkerson, opined on the use of sanctions against Cuba as the "dumbest policy on the face of the earth. It's crazy."

The restrictive new policy, however, was a triumph for Mario and Lincoln Diaz-Balart, the two exile brother Congressmen from Miami. Gott gives us the bare-bones background of the Castro/Diaz-Balart relationship, but not enough to understand how much this bitter family feud has poisoned US-Cuba relations. In 1948 Fidel Castro married his best friend Rafael Diaz-Balart's sister, Mirta (whom he later divorced). A year later their son was born and christened Fidel Castro Diaz-Balart, a remarkable oxymoronic *apellido* (last name) uniting two warring families in one name. The Diaz-Balarts were powerful ministers in Batista's government—and Batista's close friends and neighbors—upon whom Castro would soon declare war.

Rafael would have four sons, two of whom—Lincoln and Mario—inherited their father's passion for politics. Lincoln is among Castro's most implacable and bellicose enemies and led the crusade to keep Elián González in the United States. During his political career, Lincoln has called for a naval blockade of Cuba and military force to be used against his former uncle, and even suggested on Miami television this year that the assassination of Castro was a good idea.

About 60 percent of Cuban-Americans in the United States arrived after the 1980 Mariel boat exodus. According to two recent polls, one conducted by Florida International University and the *South Florida Sun-Sentinel*, the other by Bendixen & Associates, members of this group tend to view themselves primarily as economic, not political, refugees. For them, family comes first, then issues of freedom in Cuba. Unlike the first wave of exiles, these more recent arrivals reject any policy of confrontation with the island that could bring harm or added hardship to their families still in Cuba. High on their agenda is unfettered travel to Cuba, along with the ability to send unlimited cash to their families. True, they do not turn out to vote as strongly as first-wave exiles, but they make up one-third of the Cuban-American vote. But that one-third can swing a presidential election—as Bill Clinton proved in 1996.

John Kerry, as cautious a politician as they come, saw an opening and has ambled over to it. With his eye on that crucial one-third slice of Cuban votes, he criticized the policy as antifamily and encouraged more travel. If he plays his cards right—a big if—he could peel off just enough Cuban voters to carry Florida on November 2.

Unlike the first wave of Cuban exiles, the more recent arrivals reject any policy that would bring hardship to their families back home.

But again, exile politics really do not figure much in Gott's history. To my mind, that's a huge omission.

Eugene Robinson, the Style editor for the *Washington Post*, focuses his infatuation with Cuba on its music. It's a smart choice. Along the way, he passes on some insights about Cuba's reluctant embrace of hip-hop in 1999 as "an authentic expression of Cuban culture"—meaning they would no longer try to shut it down, a calculation Robinson likens to LBJ's truce with J. Edgar Hoover: "Better to have him inside the tent pissing out than outside pissing in."

There are no stunning revelations here, no "big gets" or up-close-and-personal interviews with Castro, Che or Elián. But Robinson has a sharp, quirky take on the island, and he writes with verve. Most of all, he brings a fan's passion to his subject and makes you want to be there at a Bamboleo concert, even in the ghastly and depressing barrio of Alamar, where Cuban hip-hop was born. And he leaves no question that Los Van Van is the greatest band in history. Sounds fatuous? No doubt—but Robinson goes a long way toward making his case. "If you were to combine the Beatles, the Rolling Stones and Bruce Springsteen and the E Street Band," he writes, "you'd have an idea what Los Van Van have meant to Cuba over the past thirty years."

Last Dance in Havana lacks footnotes or chapter notes, and occasionally Robinson reaches for the dissonant metaphor, as when he describes Castro as a dancer on the world stage. He describes Castro's reaction to the US invasion of Iraq: "The crafty old dancer-in-chief rose to his feet and began to move." It's a strained trope since, as every Cuban knows, Castro does not dance (one of a number of ways in which he is decidedly un-Cuban). Still, this book works as memoir or travel writing—a well-wrought, breezy essay on that problematic island in the Caribbean.

The book on Cuba that merits a place on the shelf alongside Hugh Thomas's opus is Ned Sublette's masterwork *Cuba and Its Music*. Subtitled *From the First Drums to the Mambo*, Sublette's methodically researched book covers that and much more in some 672 pages. And that's just the first volume; a second is in the works beginning where this one ends—March 10, 1952, the day a former army sergeant named Fulgencio Batista seized power in a coup from which Cuba has yet to recover, even today.

Sublette, a musician, producer and founder of the record company Qbadisc, begins his sweeping, magisterial book with an audacious claim for a skinny, carrot-haired Texan: "This is a history of music from a Cuban point of view." But the claim is more than justified, and in Havana I was struck by the high regard musicians had for the *americano* from Lubbock, who was clearly seen as an *aplatanado cubano*, a transplanted Cuban.

"People often ask me how I got interested in Cuban music," Sublette writes in his preface. "The short answer is, I have good taste." And that he does. Although every musician who ever slapped a drum seems to get credited here, Sublette saves his enthusiasms for the divine: the achingly sublime *trova* singer Maria Teresa Vera, the bravura bassist Cachao, the versatile and prolific Sindo Gary and the celestially powered *guajira* singer Celina Gonzalez. And there are plenty of tasty nuggets about the brilliant and self-destructive Benny Moré, whose "soaring voice could sing any genre of Cuban music with any band," and the legendary *son* musician Arsenio Rodriguez, the blind grandson of a slave from the Congo who popularized the horn-driven bands known as *conjuntos* in the 1930s. Rodriguez's songs blended African and Spanish idioms, set to a rhythm that he called "canto congo." As Sublette observes, "White Cuban composers were writing dialect songs, but Arsenio was literally writing a history in a popular song, perpetuating the memory of how his grandfather's generation talked." Rodriguez left Cuba in 1951 for New York, where his star never shone as brightly as it did in Havana.

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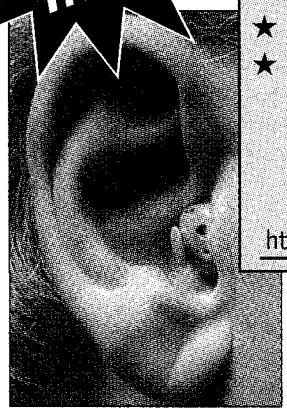

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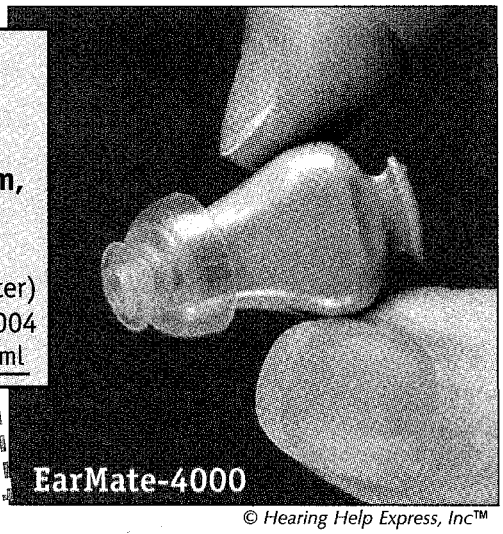

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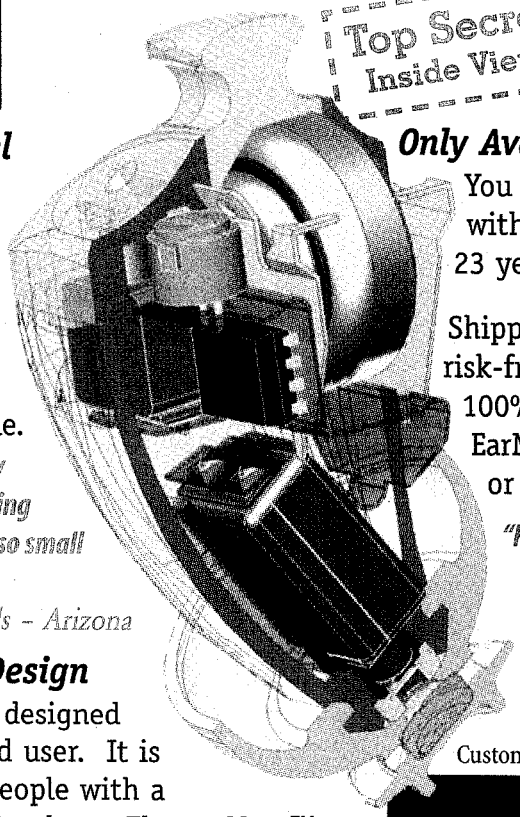

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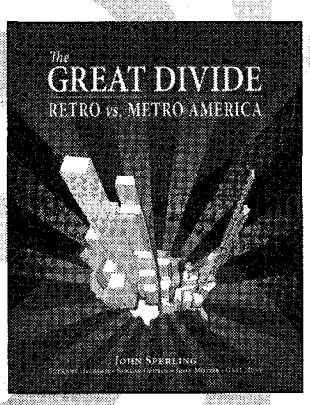

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Many other musicians would follow Rodriguez seeking freedom, not to mention more lucrative record deals. Others stayed behind and threw in their lot with the revolution. There were the dueling divas: The great salsa star Celia Cruz died last year in her home in New Jersey, while Celina Gonzalez still lives in her neighborhood of Marianao. Exile/island comparisons have not always been kind to the former. Compare, for example, the slickly produced pop of Miami transplants like Gloria Estefan and Jon Secada with the aging *soñeros* of the Buena Vista Social Club.

Sublette weaves his history of Cuban music with the island's political history, from the Spanish conquest and the slave trade to the Independence War and the rise of a scruffy, bearded guy from Biran named Fidel Castro, who had a tin ear and a flat foot but scorching ambition. I read a few dozen books on Cuba and exiles before writing my own, so I don't say this lightly: If you buy only one book on Cuba in your life—and want the history, culture and politics all in one volume—this is the one. ■

Office Politics

TERRY EAGLETON

A HACKER MANIFESTO. By McKenzie Wark. Harvard. 208 pp. $21.95.

As one of those pathetic evolutionary throwbacks who has never used e-mail or the Internet, and has hardly ever handled a mobile phone, I can approach this book with all the supreme disinterestedness of a eunuch in a harem. In fact, however, the hacker of McKenzie Wark's title is more metaphorical than literal. He means by it, rather oddly, researchers, authors, artists, biologists, chemists, musicians, philosophers and the like, all of whom he sees as "hacking" fresh concepts out of existing data. Hackers are the new proletariat, whose creations are being confiscated by what Wark rather obscurely calls the "vectoralist" ruling class. The time has now come for dispossessed innovators everywhere to form a collective class, and Wark's manifesto is an opening salvo in this fresh form of class warfare. We have moved from the handloom weavers to the hackers, but the social logic remains the same.

What's wrong with the word "intellectual," in its broad Gramscian sense, to describe the group Wark has in mind? The modish word "hacker" is certainly more eye-catching, and publishers (even the prestigious Harvard University Press) are notoriously shy of allowing the leaden-footed word "intellectual" into their book titles. But it seems perverse, as well as unduly romanticizing, to hang a connection between intellectual workers and criminalized code-busters on an arbitrary metaphor. Calling all these diverse types "hackers" is also a touch homogenizing for a book that proudly declares that "to hack is to differ." Do McKenzie Wark and the Master of the Queen's Music really belong to the same class?

From a Marxist viewpoint, "class" is the wrong word in any case. Intellectuals, like butchers or lap dancers, form a group rather than a social class. They don't, for example, necessarily share a single location within the means of production. Social classes are not just bunches of people with things in common. Senior citizens or people with bushy eyebrows don't constitute a potentially revolutionary class, since they are not so positioned within the capitalist system as to be capable of taking it over. You do not become a revolutionary class simply by being militant, visionary, impoverished or oppressed. The peculiarity of Marxism on this score is that it is not up to us to nominate who will transform the system. Unlike a pope, the system nominates its own successor.

However, since doubts first began to emerge on the political left about whether the industrial working class was any more capable of revolution than people with bushy eyebrows, socialists have been looking anxiously about them for a candidate with a CV impressive enough to fill this role. Students, peasants, women, schizophrenics: All have at some time or other been auditioned for the part. Now, with *A Hacker Manifesto*, it is the turn of the intellectual innovators, or "infoproles," to

Terry Eagleton is professor of cultural theory and John Rylands Fellow at the University of Manchester, Britain. His most recent book, The English Novel: An Introduction, *has just been published by Blackwell.*

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inherit this august role. "All power to the computer programmers!" might be the book's less than resonant slogan.

It is not, even so, a project to be sniffed at. There is indeed a need to rethink classical Marxism in the epoch of video games, and this book, even if it takes itself a touch too seriously, is a searching, thoughtful meditation. The question that inspires it—where are the sources of resistance in postindustrial capitalism?—is a compelling one, even if the answers it provides leave something to be desired. *A Hacker Manifesto* is not just another postmodern carve-up of Marxism; on the contrary, it clings to a quasi-Marxist grand narrative, all the way from pastoralism to capitalism, in order to demonstrate its claim that the infoproles have now replaced the industrial proles as the last revolutionary class in history. Marxism is turned against itself, rather than fashionably dismissed.

Just as *The Communist Manifesto* is laced with upbeat revolutionary idealism, as befits its genre of political agitation, so is this curious blending of Marx, the French Situationist Guy Debord and the French anarchist philosopher Gilles Deleuze. Throughout the text, the hacker is resolutely romanticized. In Marxist terms, he or she stands for the dynamic productive forces striving to break through repressive social relations. But this notion of artists, programmers, biologists and the like as creative innovators is absurdly overgeneralized. Wark tells us excitedly that such types "create the possibility of new things entering the world." But only avant-gardists and Americans believe that the new is inherently positive. The twentieth century's big new political idea was known as fascism. The antiglobalization movement is new, but so is the war in Iraq. Biologists cultivate anthrax as well as penicillin. Programmers work for the Pentagon as well as for peace campaigns. Philosophers can be reactionary as well as enlightened. It is marketplace ideology, not radical thought, that imagines that the new is always to be championed over the old. It was Leon Trotsky who remarked that socialists had always lived in tradition. In his downgrading of the old in light of the new, Wark is unconsciously in accord with Donald Rumsfeld's view of Europe, and very much a product of the social order he rightly criticizes.

A Hacker Manifesto also has a starry-eyed view of future possibility. In this respect, it has a remote affinity with Michael Hardt and Antonio Negri's rather too ebullient *Empire*. "Every hack," Wark enthuses, "is an expression of the inex-

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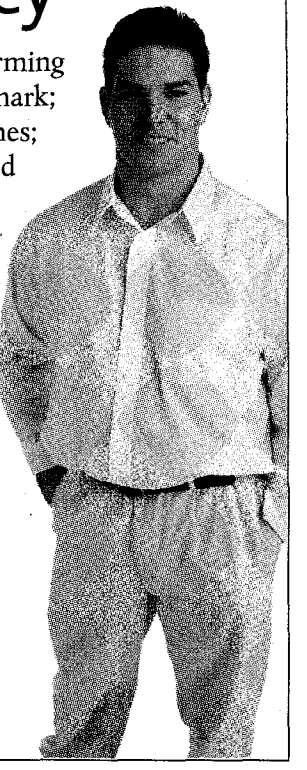

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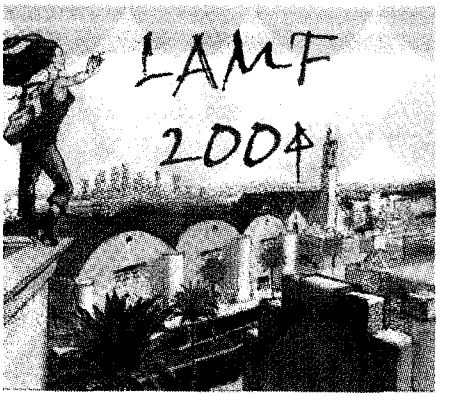

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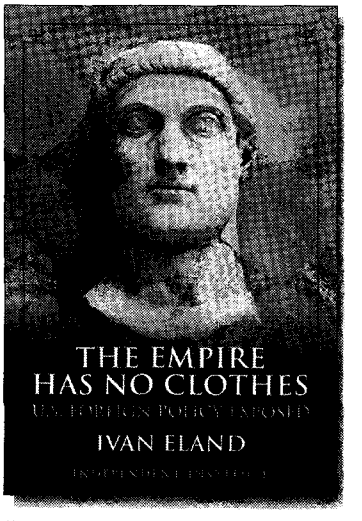

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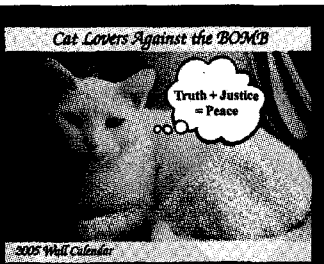

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haustible multiplicity of the future, of virtuality." But the future is not in fact inexhaustible. We are closing down some of its possibilities forever by the actions we take in the present. Nor is the potential always to be preferred to the actual. If socialism is possible, so is nuclear catastrophe. Wark has an admirable vein of idealism; all he needs, in order to modulate it into realism, is a good dose of old-European skepticism. It is naïve to believe, as he appears to, that something called "information" is inherently valuable, and all that is wrong is the act of restricting it. Lots of information is either useless, trivial or pernicious, and there are restrictions on it—not sending the Central Intelligence Agency a detailed schedule of McKenzie Wark's average day, for example—that are beneficial rather than malign.

A less glamorous word than "intellectual" for hackers, if a less euphonious one, would be the petite bourgeoisie. When *A Hacker Manifesto* tells us that hackers are hard to collectivize, feel suspicious of mass politics, stand somewhere between rulers and masses and cherish their differences, he is describing that "contradiction incarnate" (Marx), the lower middle class. Their interests, Wark remarks, are separate from those of the working class but potentially in alliance with them. It is, in fact, just this ambiguity that has made the lower middle class so slippery a political bedfellow in its day, as likely to be seduced by fascism as enlisted by socialism. There is little reason to believe that Wark's army of French horn players and fashion designers would be any more reliable.

Even so, this is a perceptive, provocative study, packed to the seams with acute analysis. It is true that one's faith in the nuanced nature of its author's judgments is somewhat undermined by statements like "education is slavery" or "all representation is false." There is an audible clashing of genres here, as the scrupulous academic in Wark does battle with the flamboyant polemicist, New School University meets the Left Bank. On the whole, Wark is at his best when he is not trying to sound like Gilles Deleuze. But then, who is not? ■

Picking Up the Pieces

DOUGLAS WOLK

BRIAN WILSON

Brian Wilson began recording his masterpiece, *Smile*, in 1966; the project collapsed a year later, unfinished. For the past thirty-seven years, Wilson's been coasting on his reputation as The Guy Who Didn't Finish His Masterpiece, But Really, It Was a Masterpiece, Honest. Which is, in a way, a fortunate position to be in. A finished work is susceptible to public and critical judgment, and to the brutal treatment of taste-currents, backlashes, revivals, nostalgia and antinostalgia. But an unfinished Great Work is forever what it *might* have been. Now, at the age of 62, he's finally completed it, or something like it.

The story of the original *Smile* is a fascinating catastrophe. It's best detailed in Domenic Priore's book *Look! Listen! Vibrate! Smile!*, a collection of magazine articles, interviews, sheet music and other primary documents from the period when *Smile* originally almost came to fruition. The essence of it is that in mid-1966, Wilson was at the top of the American pop world. His group the Beach Boys (who were, at that point, under his creative control) had been making increasingly beautiful, complicated records, built around exquisite harmonies and Wilson's inventive way with tone color; the Beach Boys' album *Pet Sounds* had set them up as the band to beat, and they'd followed it with the song "Good Vibrations," which had raised expectations for Wilson's work even higher. (Contemporary readers may need to work a bit to imagine "Good Vibrations" as a revolutionary piece of music rather than as an orange soda commercial, but that's what it was.)

Smile, Wilson declared, was going to be the Beach Boys' "teenage symphony to God"—an epic album about the American experience, the elements, physical fitness and a bunch of other stuff that nobody was ever too clear on. Van Dyke Parks was engaged as lyricist, and came up with far

Douglas Wolk writes frequently on popular music for The Nation *and other magazines.*

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more abstract, arty words than the Beach Boys had ever sung before. (One of the Boys, Mike Love, infamously objected to "over and over the crow cries uncover the cornfield.") Wilson started recording overlapping, interlocking fragments of vocals and orchestration, on the assumption that he'd eventually assemble them all into a coherent recording. The centerpiece of the album was going to be an enormous production called "Heroes and Villains," which Wilson recorded and rewrote and remixed, again and again, for months on end.

In December 1966, Capitol Records, panicked that *Smile* was taking so long, pressed Wilson for a track listing, and printed more than 400,000 jackets and booklets for an album that wasn't entirely written yet. Recording sessions continued to drag on for months, getting messier and darker as Wilson's mental state deteriorated—Keith Badman's new diary of the band's career, simply called *The Beach Boys*, includes lots of details of the chaos. By mid-May 1967, all the Beach Boys had was an enormous pile of shimmering, dreamy, unfinished, unfinishable scraps of tape. It was the most exquisite and original music they'd ever made—but it wasn't anything like an album. Most of it was barely even fully composed songs, some crucial sections weren't there at all and the drug-addled Wilson, who'd started canceling recording sessions on the basis of "bad vibes," was in no shape to tie it together. Capitol pulled the plug, and two weeks later released the cash cow it'd been waiting for: the Beatles' *Sgt. Pepper's Lonely Hearts Club Band*.

Wilson never really recovered. If he'd previously earned a reputation as a genius, he was now a damaged genius, and he's stayed more or less damaged ever since. (His album of new material released earlier this year, *Gettin' In Over My Head*, sounds like the work of a *very badly* damaged old guy desperately and gracelessly attempting to reconstruct the dippy bliss of "Fun, Fun, Fun"; it's painful to listen to.) The *Smile* tapes were too good to abandon altogether, though. The Beach Boys promptly banged out a breezy, druggy, spare-to-the-point-of-minimalism LP called *Smiley Smile*, which included quick-and-dirty remakes of a couple of *Smile* songs (and, though it bombed in the charts, has held up exceptionally well). For the next few years, most of their albums incorporated a fragment or two of the *Smile* tapes. Speculating about *Smile* eventually became a cottage industry; virtually all the extant recordings have been released or bootlegged,

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■ The definitive discussion on the 2004 election, featuring a panel of distinguished New Press authors: Frances Fox Piven, CUNY; John Nichols, *The Nation*; Nomi Prins, Demos; Esther Kaplan, *The Nation*; and Congressman Sherrod Brown (D-Ohio). The panel will be moderated by Lewis Lapham, editor of *Harper's Magazine*. Monday, Oct. 4, 7 PM at the CUNY Graduate Center, 365 Fifth Avenue at 34th Street. Admission $10 (registration is highly recommended), free to students. To register, call (212) 817-8215, write continuinged@gc.cuny.edu, or check http://web.gc.cuny.edu/cepp. Sponsored by the New Press, *The Nation*, the Brecht Forum and Continuing Education & Public Programs, the Graduate Center, CUNY.

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and avid *Smile*ophiles have started assembling their own versions of the album as it might have been.

Wilson himself has never gone back and finished the original *Smile* tapes, but his current collaborator Darian Sahanaja recently persuaded him to devise a concert version of *Smile*. It was performed in public for the first time early this year, and then recorded (from scratch) as *Brian Wilson Presents Smile* (Nonesuch). The Beach Boys of thirty-seven years ago are mostly either dead (Dennis Wilson died in 1983, Carl Wilson in 1998) or more or less estranged from their former director (Mike Love is still touring with various hired guns as the Beach Boys). Wilson's current band, built around Sahanaja's group the Wondermints, has largely reproduced Wilson's original arrangements note for note and timbre for timbre, including their fantastically lush close-harmony parts. It's probably as close to the real thing as we're ever going to get.

It's a lovely album—a lot better than it might have been. Wilson, or, more likely, his "musical secretary" Sahanaja, has arranged most of the extant *Smile* music into three suites that flow remarkably smoothly. Four lines of the previously undiscovered "I'm in Great Shape" turned up on a demo tape some years ago, and so "I'm in Great Shape" lasts all of four lines here; the *Smile* sessions included fragmentary versions of the standards "Old Master Painter" and "You Are My Sunshine," as well as some miscellaneous hammer-and-saw noise, all of which appear on the finished *Smile*. The only significant additions are a couple of key-changing orchestral segues, whose reliance on standard, unmutated instrument sounds makes them stick out a bit, and Parks's new (or at least previously unheard) lyrics for a handful of incomplete pieces.

One of the fuzzily conceived sections of the original *Smile* was to have been a suite about earth, air, water and fire. The only element of it whose identity is certain is an instrumental called "Mrs. O'Leary's Cow," which the disturbed Wilson feared was responsible for an outbreak of fires around Los Angeles shortly after it was originally recorded. The third and last movement of *Smile* 2004 more or less follows the four-elements template: "Vega-Tables" seems to represent earth, "Wind Chimes" is air and a rewritten version of the deranged fragment "Love to Say Da Da," now called "In Blue Hawaii," is water.

Parks and Wilson's new bridge between the fire and water passages is the finished *Smile*'s one serious misstep. "Is it hot as hell in here or is it me? It really is a mystery," Wilson sings as it begins. The clunkiness of the second line aside, this is not a lyric that would ever have appeared on the original *Smile*: There's an *aloneness* about it, an isolation, that's alien to the album's conception of togetherness. The first person is missing from a lot of *Smile* songs, and when it appears it's usually plural, or in the context of other voices—the album opens with the wordless a cappella piece "Our Prayer," and "Vega-Tables" concludes "I know that you'll feel better when you send us in your letter and tell us the name of your favorite vegetables." (If the album's sense of humor was a little corny in its day, it's now *nostalgically* corny.) And the other "mystery" in the original "Smile" is in the gorgeous "Wonderful," an oblique lyric about faith and sex set to one of Wilson's sun-dappled melodies: "farther down the path lies a mystery," and later "all fall down and lost in the mystery."

What Wilson is singing about as the flames of "Mrs. O'Leary's Cow" die down, though, may be his personal hell. He wrote some first-rate songs in the decade after *Smile*, but his madness and his gifts have never again worked together the same way. And time has been terribly cruel to his voice. His bandmates prop it up, but he labors over every syllable—most obviously on "Surf's Up," the conclusion of *Smile*'s second suite, which once seemed to levitate effortlessly and now struggles to make its way off the ground. "I heard a word—wonderful thing!—a children's song," he sings, knowing that the children he once sang that line for now have grown children of their own.

The weight of being a finished masterpiece hangs heavy on *Smile*, especially because its painful disintegration and reintegration has been so public, and taken so long. Still, it was originally intended as a piece of light entertainment—the title is not *Grimace and Scratch Your Head*—and if you're lucky enough not to recognize every little countermelody, a lot of it is spectacular ear candy. But it can't entirely escape the context time has brought to it. "Good Vibrations," ending the 1966 *Smile*, might have been a starburst, a radiant overspilling of joy, and until the album was realized, it could still have been that in fantasy. As it ends the 2004 *Smile*, though, "Good Vibrations" is an immaculately reconstructed, immaculately executed version of an orange soda commercial. Is the album really a masterpiece? It might be too late to tell. ■

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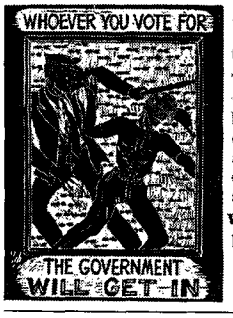

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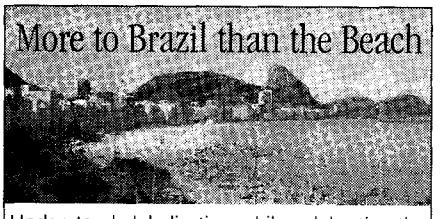

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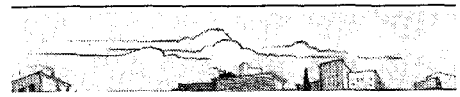

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CLASSIFIED INFORMATION

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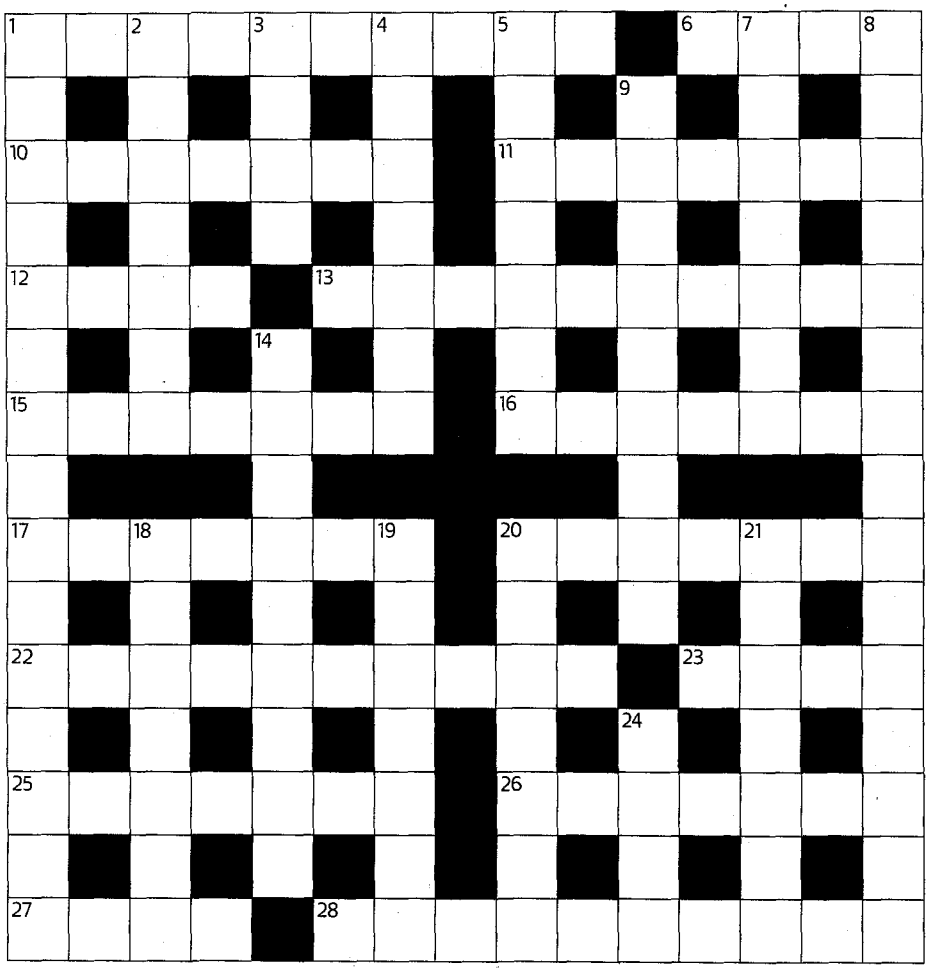
PUZZLE NO. 2959

FRANK W. LEWIS



ACROSS

1 One is not supposed to show it to anyone older, and it's a hellish leader who gets consideration! (10)

6 This water sounds a little spooky. (4)

10 They may be hard to work, even if they are not machines, especially problematic in games. (7)

11 White rose for one. (What is new for the big metropolis has to sit awkwardly with it.) (7)

12 See 24 down

13 It might be stretching things, but this is peculiar to nine-goal accomplishment. (10)

15 Even though they might be little kids, you could consider them a bit crabby! (7)

16 Fast movements in such—but the wrong size with the start of Christmas, perhaps. (7)

17 Just like a ball, her pal's rolling out of it. (7)

20 Near the beginning, the hearing apparatus is only confused by it. (5,2)

22 One may have to put up with them, but anyone's can make a problem out of such. (10)

23 Musicians have to bow after they see this. (4)

25 The little one and, in addition, a princess in certain countries. (7)

26 Obviously it's nothing to write a tune—especially when outside. (4-3)

27 and **28** One doesn't admit guilt by claiming it, but it makes one open to punishment anyway! (4,10)

DOWN

1 A first-aid center rather than a place like Grand Central, where you have to put on clothes. (8,7)

2 It's all up with what cats do the same way—but it might get the boot! (7)

3 A dash to Mother, commonly, proves a clueless heroine. (4)

4 A real 22 to the French, but one might expect to find it grinding. (7)

5 and **20** One would be like Pew if one did it in sorrow. (3,4,4,3)

7 The mountain that always seems to be more wet? (7)

8 You don't have to sit in class to take it—but your onetime spouse shows stress where other people tee off! (9,6)

9 Teacher is just a bit confused by Ryan missing his article explaining what Burr was associated with. (9)

14 Paying the cost of the French having something wrong at the edges. (9)

18 What the distraught parent might say the kids are, though they would have to be smaller than Tom Thumb to make it. (7)

19 "Once upon a time" otherwise, but you might get to go along with it. (4,3)

20 See 5 down

21 How old is the prison associated with Scotland? (It was measured in ells, once.) (7)

24 and **12** across What one should do when your policy is out of date? Get control, certainly! (8)

PUZZLED? No more cross words. If you don't see why "Lures" are "Ground Rules" send for those of Mr. Lewis to: Puzzled, The Nation, 33 Irving Place, New York, NY 10003, or access our website at www.thenation.com/about/crossword.mhtml.

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	L	O	A	N	D	B	E	H	O	L	D			
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